2015
STATE OF THE ATTORNEY DISCIPLINARY SYSTEM REPORT

Hon. Stuart Rabner
Chief Justice
Supreme Court of New Jersey

Charles Centinaro
Director
Office of Attorney Ethics

OFFICE OF ATTORNEY ETHICS

OF THE

SUPREME COURT OF NEW JERSEY

CHARLES CENTINARO
Director

OFFICE OF DIRECTOR

P.O. BOX 963
TRENTON, NEW JERSEY 08625
Phone: 609-530-4008

April 29, 2016

TO: THE HONORABLE CHIEF JUSTICE STUART RABNER AND ASSOCIATE JUSTICES OF THE NEW JERSEY SUPREME COURT

It is my pleasure and privilege to present, on behalf of the New Jersey Office of Attorney Ethics, this thirty-second issue of the State of the Attorney Disciplinary System Report. Highlights of the report include:

- Almost fourteen and a half percent (14.4%) fewer attorneys were disciplined in 2015 (149) than in 2014 (174).
- New investigations decreased by 10.2% (1,191) from the filings in 2014 (1,347).
- New formal complaints (and other charging documents) increased by 3.5% percent (234) compared to 2014 (226).
- OAE's average investigative time goal compliance decreased from 83% for 2014 to 80% for 2015.
- District Ethics Committees' average time goal compliance for 2015 decreased by 5% to 75%.
- OAE ethics counsel appeared before the Supreme Court on 16 occasions for oral argument in 2015.
- District Fee Arbitration Committees arbitrated or settled cases totaling almost $12.9 million in legal fees.
- The Random Audit Program conducted 463 audits of law firms in 2015.
- Four lawyers were disciplined (including three disbarments by consent) through the detection efforts of the Random Audit Program.
- As of December 31, 2015, the attorney population was 97,187 – one attorney for every 92 New Jersey citizens.
- The Garden State ranks 7th in the nation in the number of attorneys admitted to practice.
- New Jersey ranks 40th in the country (at $212) in annual attorney licensing fees charged.

- Eleven (11) lawyers were disciplined in 2015 due to the Trust Overdraft Notification Program.

The Office of Attorney Ethics and the District Ethics Committees are focused on improving compliance with the Court's time goals, and every effort is being made to maintain the trust of the public in the disciplinary, fee and random audit system.

Respectfully submitted,

Charles Centinaro

Charles Centinaro, Director
Office of Attorney Ethics

TABLE OF CONTENTS

		Page
I.	The Year in Review	
	A. Case Processing	1
	B. Expansion of Random Audit Program	2
	C. 6th Annual OAE Training Conference	2
	D. Discipline	3
II.	Attorney Disciplinary Process and Procedure	
	A. Grievances	4
	B. Investigations	4
	C. Complaints	6
	D. Hearings	6
III.	Sanctions	
	A. Types of Disciplinary Sanctions	8
	B. Final Discipline	8
	C. Emergent Action	9
	D. Total Discipline	10
IV.	Grounds for Final Discipline	
	A. Knowing Misappropriation	16
	B. Other Money Offenses	17
	C. Gross Neglect/Lack of Diligence/Incompetence	17
	D. Non-Cooperation with Ethics Authorities	17
	E. Fraud and Misrepresentation	17
	F. Criminal Conviction	17
	G. Administration of Justice	17
	H. Conflict of Interest	18
	I. Lack of Communication	18
	J. Ineligible Practicing Law	18
	K. Unauthorized Practice of Law	18
	L. Improper Termination of Representation	18
	M. Fees	18
V.	Other Related Actions	
	A. Disability-Inactive Status	30
	B. Bar Admissions / Contempt	30
	C. Diversions	30
	D. Reinstatement Proceedings	31
	E. Monitored Attorneys	31
VI.	Disciplinary Structure	
	A. District Ethics Committees	33
	B. Disciplinary Review Board	34
	C. Supreme Court of New Jersey	35
	D. Financing Attorney Discipline	35
	E. Office of Attorney Ethics	36
VII.	Attorney Fee Arbitration	
	A. History and Purpose	39
	B. Administration	39
	C. Structure	39
	D. Annual Caseload	42
	E. Nature of Cases	43
	F. Enforcement	44

Page

VIII. Random Audit Program
A. Purpose 45
B. Administration 46
C. Randomness and Selection 46
D. Standards for Accounting 46
E. Auditing Procedures 46
F. Compliance Through Education 47
G. Disciplinary Actions 47

IX. Attorney Registration
A. Attorney Population 49
B. Admissions 49
C. Attorney Age 50
D. Other Admissions 51
E. Private Practice 52

TABLE OF FIGURES

FIGURE	DESCRIPTION	PAGE
1	Changes in Investigations	5
2	Lawyer-Grievance Analysis	5
3	Changes in Complaints	6
4	Five-Year Sanction Trend	10
5	Yearly Discipline Report	11
6	2015 Disciplinary Summaries	19
7	Attorney Disciplinary System	32
8	2015-2016 District Ethics Committee Officers	33
9	2015-2016 District Fee Committee Officers	40
10	Changes in Fee Disputes	42
11	2015 RAP Sanctions	47
12	Attorneys Admitted	49
13	Year Admitted	50
14	Attorney Age Groups	51
15	Other Admissions	51
16	Admissions in Other Jurisdictions	52
17	Private Practice of New Jersey Law	53
18	Private Firm Structure	53
19	Private Firm Size	54
20	Number of Law Firms	54
21	Bona Fide Office Locations	55
22	Attorneys with Bona Fide Private Offices	55

I. THE YEAR IN REVIEW

A. CASE PROCESSING

In an effort to ensure swift justice and efficiency, the Supreme Court has established time goals for the thorough and fair completion of all disciplinary investigations and hearings. *R.1:20-8.*

1. Investigations

a. Time Goal Compliance

The OAE's compliance with the Supreme Court's time goals for investigating cases was 80% in 2015, down from 83% in 2014. The Ethics Committees' average time goal compliance for the year decreased by 5% to 75%.

b. Age of Investigations

The average age of the OAE's pending investigations increased from 166 days for 2014 to 169 days for 2015. The average age of the Ethics Committees' pending investigations increased from 129 days for 2014 to 145 days for 2015.

c. Backlog

The OAE's average backlog increased by 3% to 20% for 2015 and the percentage of investigations over one year old as of December 31, 2015, was 10%. The backlog of the Ethics Committees increased by 5% to 25%.

d. Investigations Added

In 2015, fewer new investigations were added to the joint docket of the OAE and Ethics Committees than in 2014. Specifically, 1,191 new investigations were commenced in 2015, as opposed to 1,327 investigations in 2014. Stated differently, new investigations decreased by 10.2% in 2015.

2. Hearings

a. Age of Hearings

In 2015, the average time it took for the OAE to complete hearings on the complaints it filed decreased by three days. The Ethics Committees' hearings took an average of thirty-three days longer in 2015 than in 2014.

b. Complaints Filed

In 2015, the OAE and Ethics Committees filed more complaints in 2015 than in 2014. Two hundred and thirty-four (234) complaints were added in 2015, representing an increase of 3.5% over the 225 complaints filed in 2014.

B. EXPANSION OF RANDOM AUDIT PROGRAM

The New Jersey Supreme Court established the Random Audit Program in 1981 for the primary purpose of ensuring that New Jersey law firms maintain proper trust and business accounts in conformance with the Supreme Court's Recordkeeping Rule 1:21-6, and educating law firms on their fiduciary responsibilities under the recordkeeping rule. A secondary purpose underlying random audits is the detection of serious financial violations, including misappropriation of client trust funds.

The Random Audit Program was so successful in improving record keeping practices and educating the bar that more auditors were added to the program in 1984. Since that time, the number of lawyers admitted to practice in New Jersey and the number of private practice law firms have increased significantly, making it more difficult for the Random Audit Program to fulfill the purposes for which it was created. To remedy this situation, and ensure the continued effectiveness and success of the Random Audit Program, the New Jersey Supreme Court authorized the hiring of two additional random auditors. They joined the program in 2015. As a result of this expansion of the Random Audit Program, the number of random audits conducted in 2015 increased by more than 19% over the 2014 total.

C. 6th ANNUAL OAE TRAINING CONFERENCE

Improving efficiency is a top priority of the Office of Attorney Ethics, but not at the expense of quality and thorough investigations and fair prosecutions and adjudications. To help ensure and improve the quality and effectiveness of attorney regulation, the Office of Attorney Ethics supplemented its regular training of the professionals and volunteers involved in attorney discipline by hosting an all-day training conference. The 6th annual conference was held at The Conference Center at Mercer County Community College on October 6, 2015.

Justice Anne M. Patterson was the keynote speaker at the 2015 OAE Training Conference. After welcoming the attendees, Justice Patterson recognized the critical work being done by the district ethics committees and noted, with credit to Abraham Lincoln, the special trust placed by the public in lawyers. She acknowledged that serving as an ethics volunteer was a serious time commitment and contributed to the complicated "juggling act" that is modern life. She expressed confidence in the careful and serious deliberation undertaken by the ethics investigators and thanked them for the prompt adjudication of the matters. She also thanked the fee arbitration committees for their tireless work ensuring the dignity and fairness of the profession.

Justice Patterson's remarks were followed by nine workshops designed to meet the specific training needs of all those involved in the screening, investigation, prosecution, and

adjudication of attorney disciplinary matters. Over 228 attendees submitted evaluation forms in which they described the workshops as informative, helpful and well-presented.

D. DISCIPLINE

A total of 149 attorneys were sanctioned by the New Jersey Supreme Court in 2015. (See "Sanctions" at page 8). This number includes all attorneys on whom final discipline was imposed as well as those against whom emergent action was taken. In 2014, 174 attorneys were sanctioned. Therefore, 14.4% fewer attorneys were disciplined than one year ago.

II. ATTORNEY DISCIPLINARY PROCESS AND PROCEDURE

A. GRIEVANCES

The attorney disciplinary process usually begins with the filing of a grievance against an attorney. Grievances come from various sources, including clients, other attorneys, judges and the OAE itself. On receipt of a grievance, a determination is made as to whether the facts alleged, if proven, would constitute unethical conduct. If the facts alleged in the grievance would not constitute unethical conduct (for example, where the lawyer did not pay a personal bill), the case will not be docketed. If, on the other hand, a determination is made that the facts alleged in the grievance, if proven, would constitute unethical conduct, and if the grievance is not otherwise properly declined, the grievance is docketed.

B. INVESTIGATIONS

1. Clear and Convincing Evidence

Docketed grievances are assigned for investigation to determine whether unethical conduct may have occurred and, if so, whether there is sufficient evidence to prove the charges to a clear and convincing evidence standard. Investigations include communicating with the respondent-attorney, the grievant and any necessary witnesses, as well as securing necessary records and documents.

2. Confidentiality

Pursuant to *R.1:20-9(b)*, all disciplinary investigations are confidential until and unless a formal complaint or other charging document has been filed and served upon the attorney-respondent. Disciplinary officials have a duty to maintain the confidentiality of the system and of all non-public documents. *R. 1:20-9(i)*. However, grievants are free to speak about all aspects of the investigation process. Nevertheless, documents gathered during the investigation may not be released publicly by anyone, except as may be permitted by *R.1:20-9(a)(1)*. Once a formal complaint or other charging document is filed, the complaint and any other document filed thereafter becomes public (with minor limitations) but subject to protective orders in rare situations.

3. Statewide Investigations

Overall, the disciplinary system (OAE and Ethics Committees) began 2015 with a total of 1,100 investigations carried over from prior years. During the year, 1,191 new investigations were added for a total disposable caseload of 2,291. A total of 1,213 investigations were completed and disposed of, leaving 1,078 pending investigations at year's end. The system cleared its calendar, which happens where the number of dispositions in a given year exceeds the number of newly-added matters.

During 2015, the number of grievances docketed and assigned for investigation (1,191) decreased by 10.2% compared to the 1,327 new filings recorded in 2014. **(Figure 1)**.

Changes in Investigations

Year	Filings	Change
2015	1,191	-10.2%
2014	1,327	-1%
2013	1,340	-.7%
2012	1,349	-3.1%
2011	1,392	-

Figure 1

The number of attorneys against whom grievances are docketed for investigation is generally a very small percentage of the total lawyer population. In 2015, only 1.6% of the 75,526 active lawyers as of December 31, 2015 had grievances docketed against them. (**Figure 2**). This figure has decreased every year for the past five years.

Lawyer-Grievance Analysis

Year	Filings	Lawyers*	Percent
2015	1,191	75,526	1.58%
2014	1,327	75,108	1.77%
2013	1,340	73,697	1.82%
2012	1,349	71,578	1.88%
2011	1,392	70,804	1.97%
* Active Lawyers – Source: Lawyers' Fund for Client Protection			

Figure 2

4. Time Goals

The Supreme Court has established time frames in which investigations and hearings should be concluded. *R. 1:20-8*. These time goals call for standard investigations to be completed within six months and complex investigations within nine months from the date a grievance is docketed (until an investigative report is filed and the case is dismissed, diverted or a charging document is filed). Most cases handled by the Ethics Committees are classified as standard while almost all OAE cases are classified as complex. The actual time involved necessarily depends on a number of factors, including staffing, the cooperation of the grievant, the respondent and any other witnesses, and the complexity of the matter itself.

The average investigative time goal compliance rate for OAE cases for 2015 was 80%, down from 83% for 2014. The average time goal compliance rate at the Ethics Committee level decreased from 80% for 2014 to 75% for 2015.

The OAE's average age of pending investigations increased from 166 days for 2014 to 169 for 2015. The average age of pending investigations of the Ethics Committees also increased, from 129 days in 2014 to 145 days for 2015.

The OAE's average backlog of investigations increased from 17% for 2014 to 20% for 2015. The average backlog of the Ethics Committees increased from 20% for 2014 to 25% for 2015.

C. COMPLAINTS (AND OTHER CHARGING DOCUMENTS)

At the conclusion of the investigative process, a determination is made as to whether there is adequate proof of unethical conduct. If there is no reasonable prospect of proving unethical conduct to the requisite standard, the matter is dismissed. If, however, there is a reasonable prospect of proving unethical conduct by clear and convincing evidence, and the matter is not diverted (see "Other Related Actions" at page 30), a formal complaint is filed and served on the respondent-attorney, who has 21 days to file an answer.

1. Statewide Formal Complaints

The disciplinary system began calendar year 2015 with a total of 248 complaints carried over from prior years. During the year, 234 new complaints were added for a total disposable caseload of 482. A total of 233 complaints were disposed of through the hearing process, leaving 249 pending complaints at year's end. Of that number, 22 were in untriable status, leaving an active pending caseload of 227 complaints.

The number of new formal complaints filed in 2015 (234) increased by 3.5% over 2014 (226). The number of complaints filed in each of the last five years are listed in **Figure 3**.

Changes in Complaints

Year	Filings	Change
2015	234	3.5%
2014	226	.4%
2013	225	-5.5%
2012	238	-25%
2011	317	-

Figure 3

D. HEARINGS

1. Hearing Panels or Special Ethics Masters

Once an answer is filed, a disciplinary hearing is scheduled and held. In both standard and complex cases, the matter is tried before a hearing panel consisting of three members, composed of two lawyers and one public member. In some complex cases, however, a special ethics master may be appointed by the Supreme Court to hear and decide the matter.

2. Procedure

In disciplinary hearings, the procedure followed is similar to that in court trials. A verbatim record of the entire proceeding is made. Testimony is taken under oath. Attendance of witnesses and the production of records may be compelled by subpoena. After the conclusion of the hearing, the panel or special ethics master deliberates and prepares a hearing report either dismissing the complaint if it determines that the lawyer has not

committed unethical conduct, or finding the lawyer guilty of unethical conduct for which discipline is required.

3. Public Hearings

All hearings are open to the public except in rare circumstances where comprehensive protective orders have been entered.

4. Age of Disposed Hearings

In 2015, the average time it took for the OAE to complete hearings on the complaints it filed decreased by three days, from 461 days in 2014 to 458 days in 2015. The Ethics Committees concluded their hearings an average of 1.1 months longer than the previous year (336 days in 2015 compared to 303 days in 2014).

III. SANCTIONS

A. TYPES OF DISCIPLINARY SANCTIONS

There are two types of disciplinary sanctions. The first (and most common) type of disciplinary sanction is final discipline. The second type of disciplinary sanction is imposed as a result of emergent action.

B. FINAL DISCIPLINE

Final discipline is imposed by the Supreme Court. The Supreme Court imposes final discipline after the attorney is first afforded an opportunity for a disciplinary hearing either at the trial level and/or after the Disciplinary Review Board (Review Board) concludes appellate review (or original review in the case of motions and stipulations). The Supreme Court automatically schedules oral argument in all cases in which the Review Board has recommended disbarment. Other matters are argued only if the Supreme Court grants a party's petition for review or on the Supreme Court's own motion.

The OAE represents the public interest in all arguments before the Supreme Court. OAE attorneys appeared 31 times for oral argument in discipline cases in 2015. Arguments are streamed in real time over the Internet and can be accessed at the Judiciary's Website -- www.njcourtsonline.com -- by clicking on the WEB**CAST** icon.

In 2015, the Supreme Court imposed final discipline on 116 New Jersey attorneys. Prior years' totals were: 150 in 2014, 135 in 2013, 139 in 2012 and 136 in 2011. **Figure 5** at page 11 contains a list of all final and emergent action, as well as all reinstated attorneys for 2015.

1. Forms of Final Discipline

There are five primary forms of final disciplinary sanctions: disbarment, suspension (for a definite or indefinite term), censure, reprimand, and admonition.

a. Disbarment

Disbarment is the most severe form of discipline and may be imposed either by the Supreme Court after oral argument or with the respondent's consent. Disbarment in New Jersey is, for all practical purposes, permanent. *In re Wilson,* 81 *N.J.* 451, 456 *n.*5 (1979) and *R.1:20-15A(a)(1)*. Like New Jersey, three other states impose disbarment on a permanent basis in all cases (Indiana, Ohio and Oregon). Eight other jurisdictions have recognized the importance of permanency in some, but not all, disbarment cases (Arizona, Alabama, California, Connecticut, Florida, Kansas, Louisiana and Mississippi).

b. Suspension

Suspension precludes an attorney from practicing law for the period it is in effect. An attorney may not resume practicing at the end of the suspension until the Supreme Court orders reinstatement. There are two types of suspensions. Term suspensions prevent an attorney from practicing for a specific term between three months to three years. *R. 1:20-15A(a)(3*).

Indeterminate suspensions may generally be imposed for a minimum of five years. *R. 1:20-15A(a)(*3).

c. Censure

Censure is a condemnation of the attorney's misconduct that is imposed by Order of the Supreme Court. *R. 1:20-15A(a)(4).*

d. Reprimand

A reprimand is a rebuke for an attorney's unethical conduct. *R. 1:15A(a)(*5).

e. Admonition

Admonition, the least serious sanction, is a written admonishment meted out either by letter of the Review Board or by Order of the Supreme Court. *R. 1:20-15A(a)(*6).

2. Discipline Imposed by the Supreme Court

The 116 final sanctions imposed in 2015 include 6 disbarments by Order of the Supreme Court, 18 disbarments by consent of the respondent, 25 term suspensions, 1 indefinite suspension, no suspended suspensions, 19 censures, 28 reprimands and 19 admonitions.

Comparisons of 2015 sanctions with the prior year are as follows: disbarments by Order of the Supreme Court decreased by 57.1% (6 vs. 14); disbarments by consent increased by 5.9% (18 vs. 17); term suspensions decreased by 34.2% (25 vs. 38); censures decreased by 24% (19 vs. 25); reprimands decreased by 3.5% (28 vs. 29); and admonitions decreased by 26.9% (19 vs. 26).

C. EMERGENT ACTION

Whenever the OAE believes a serious violation of the Rules of Professional Conduct has occurred and that an attorney "poses a substantial threat of serious harm to an attorney, a client or the public" (*R. 1:20-11*), it may file an application seeking the attorney's immediate temporary suspension from practice, pending ongoing investigation. The Supreme Court may either suspend the attorney temporarily or impose a temporary license restriction, which permits the lawyer to continue to practice, but places conditions on that privilege. Conditions may include oversight by a proctor of the attorney and/or trust account.

For 2015, a total of 33 attorneys were the subject of emergent sanctions (33 temporary suspensions and 0 license restrictions). This represents an increase of 37.5% from the total in 2014, when 24 emergent actions were taken (24 temporary suspensions and 0 license restrictions). Prior years' results were: 2013 (35 temporary suspensions and 0 license restrictions); 2012 (40 temporary suspensions and 0 license restrictions); and 2011 (35 total – 33 temporary suspensions and 2 license restrictions). During that five-year period, an average of 33 lawyers were subject to emergent action. The names of attorneys emergently disciplined are listed in **Figure 5**.

In 2015, the leading reasons for emergent discipline were: non-cooperation with disciplinary authorities and non-compliance with Supreme Court Orders at 36% (12 cases); the attorney's conviction of a "serious crime" as defined in R.1:20-13 at 24% (8 cases); knowing misappropriation of clients' trust funds at 18% (6 cases); non-payment of fee arbitration committee awards at 15% (5 cases); and non-payment of disciplinary costs at 6% (2 cases).

D. TOTAL DISCIPLINE

In total, 149 attorneys were sanctioned by the New Jersey Supreme Court in 2015, whereas 174 attorneys were sanctioned in 2014 (representing a decrease of 14.4%). Sanction totals for previous years were as follows: 170 in 2013; 179 in 2012; and 171 in 2011. The average number of sanctions over the past five years is 169. The number of attorneys sanctioned in 2015 is 11.8% lower than this five-year average.

Five-Year Sanction Trend

Year	Attorneys Disciplined
2015	149
2014	174
2013	170
2012	179
2011	171

Figure 4

OFFICE OF ATTORNEY ETHICS
ANNUAL DISCIPLINE REPORT
(1/1/2015 to 12/31/2015)

DISBARMENT (6)

ATTORNEY	ADMITTED	LOCATION	DECIDED	EFFECTIVE
ARNTSEN, DOUGLAS RAYMOND	2003	NEW YORK	03/06/2015	03/06/2015
HALBFISH, MICHAEL DAVID	1997	WARREN	02/04/2015	02/04/2015
KELLEY, DANIEL B	1998	CAMDEN	12/02/2015	12/02/2015
KOUFOS, JOHN G	2003	MONMOUTH	02/24/2015	02/24/2015
KWASNY, RICHARD JOSEPH	1989	MONMOUTH	12/07/2015	12/07/2015
MAC DUFFIE, EDWARD A JR	1971	OCEAN	07/01/2015	07/01/2015

DISBARMENT BY CONSENT (18)

ATTORNEY	ADMITTED	LOCATION	DECIDED	EFFECTIVE
CAMPEN, GEORGE B	1967	HUDSON	11/19/2015	11/19/2015
CONNOLLY, FRANCIS X	1971	ESSEX	10/19/2015	10/19/2015
DE LEON, SHANE CHARLES	1996	MORRIS	02/25/2015	02/25/2015
DENENBERG, DAVID WARREN	1989	NEW YORK	02/25/2015	02/25/2015
DI GIACOMO, PAUL DAVID	1996	MORRIS	01/05/2015	01/05/2015
FEE, THOMAS ARTHUR	1985	FREEHOLD	01/22/2015	01/22/2015
GLINN, ADAM ROBERT	1989	MIDDLESEX	10/28/2015	10/28/2015
HANLON, RICHARD S	1977	HUDSON	03/04/2015	03/04/2015
JASKOT, LAWRENCE J	1973	BERGEN	01/07/2015	01/07/2015
JUDGE, PATRICK JR	1995	BURLINGTON	07/31/2015	07/31/2015
MEADOWS, WILLIAM T.	2003	BURLINGTON	03/24/2015	03/24/2015
SEGUIN, ROBERT S	1976	MIDDLESEX	01/06/2015	01/06/2015
SENICK, MICHAEL R	1973	BERGEN	11/19/2015	11/19/2015
STEIG, A B	1992	MORRIS	07/09/2015	07/09/2015
TALAFOUS, JOSEPH J JR	1989	HUDSON	07/13/2015	07/13/2015
TODARO, JACQUELYN	1997	NEW YORK	04/28/2015	04/28/2015
TODD, FREDERICK JACOB	UNKNOWN	OCEAN	07/21/2015	07/21/2015
VESEL, DAVID A	1988	NORTH CAROLINA	11/17/2015	11/17/2015

SUSPENSION TERM (25)

ATTORNEY	ADMITTED	LOCATION	DECIDED	EFFECTIVE
ABRAMOWITZ, ARNOLD M. - 12 mo.	1976	ESSEX	03/12/2015	04/13/2015
BEVACQUA, VINCENT E - 3 mo.	1990	ESSEX	12/09/2015	01/07/2016
BLOCK, ADAM KENNETH - 6 mo.	1993	PASSAIC	09/10/2015	10/09/2015
BRADY, TERENCE SEAN - 12 mo.	1988	EASTAMPTON	01/14/2015	06/06/2011
CATALINE, ANNE P - 24 mo.	1994	BURLINGTON	09/28/2015	09/28/2015
EZOR, HERBERT R - 3 mo.	1971	PASSAIC	07/02/2015	07/02/2015
FOX, DANIEL JAMES - 12 mo.	1986	ESSEX	04/23/2015	02/01/2010
GOTTESMAN, LEE D - 36 mo.	1981	OCEAN	07/16/2015	05/13/2013
HANCOCK, FRANK J - 6 mo.	1979	NEW YORK	04/07/2015	09/24/2008
JONES, DARYLL BOYD - 60 mo.	1992	NEW YORK	06/26/2015	05/01/2008
KAPLAN, RACHEL DALE - 3 mo.	1992	BERGEN	12/09/2015	05/07/2012

KIM, DANIEL DONK-MIN - 6 mo.	1991	NEW YORK	07/02/2015	07/31/2015
LOWENSTEIN, JOSEPH J - 3 mo.	1985	PASSAIC	04/23/2015	04/25/2010
MAC DUFFIE, EDWARD A. JR.- 3 mo.	1971	OCEAN	03/26/2015	03/26/2015
MORAS, HUGO L. - 12 mo.	1975	ESSEX	02/02/2015	02/02/2015
PALFY, MARC Z. - 3 mo.	1999	MONMOUTH	03/26/2015	03/26/2015
RIVERO, MARIA J - 3 mo.	1992	HUDSON	09/10/2015	10/09/2015
ROBERTS, RICHARD M - 3 mo.	1971	ESSEX	11/04/2015	12/04/2015
ROWEK, MICHAEL A. - 12 mo.	1987	PASSAIC	01/30/2015	09/24/2013
SAINT-CYR, ELAINE T - 24 mo.	1993	MORRIS	07/02/2015	07/02/2015
SAVAGE, STEVEN E - 24 mo.	2003	ESSEX	04/29/2015	04/29/2015
SICA, PAULINE E - 12 mo.	1993	FLORIDA	07/15/2015	03/12/2014
TAN, HERBERT JONI - 12 mo.	1998	BERGEN	03/12/2015	03/12/2015
TORRE, WILLIAM J - 12 mo.	1984	BERGEN	12/16/2015	01/16/2016
WALCH, ANITA L - 6 mo.	1989	SOUTH CAROLINA	05/21/2015	05/21/2015

CENSURE (19)

ATTORNEY	ADMITTED	LOCATION	DECIDED	EFFECTIVE
ALLEN, JOHN CHARLES	1995	MIDDLESEX	05/06/2015	05/06/2015
BASSETTI, EDWARD RALPH	1987	BERGEN	09/25/2015	09/25/2015
BECKERMAN, DAVID M	1951	ESSEX	09/28/2015	09/28/2015
BLUMENTHAL, THOMAS ALAN	1988	BERGEN	07/15/2015	07/15/2015
FELDHAKE, ERIC ANDREW	1999	CAMDEN	06/04/2015	06/04/2015
GLASSER, ELIZABETH ANNE	1993	UNION	07/15/2015	07/15/2015
GOODWIN, RAYMOND	1980	SOMERSET	02/12/2015	02/12/2015
GROW, JEFFREY R	1975	MORRIS	10/23/2015	10/23/2015
HEYBURN, EDWARD HARRINGTO	1997	MERCER	06/18/2015	06/18/2015
KIM, YOUNG MIN	2006	BERGEN	05/20/2015	05/20/2015
KINNARD, STEPHEN DOUGLAS	1985	HUNTERDON	02/12/2015	02/12/2015
MC GHEE, CONNIE	1982	ESSEX	05/20/2015	05/20/2015
OTLOWSKI, GEORGE, J.	1968	MIDDLESEX	01/15/2015	01/15/2015
PRIBULA, ADAM S	2007	MORRIS	05/20/2015	05/20/2015
PROSKURCHENKO, KSENIA V	2008	UNION	10/14/2015	10/14/2015
RAKOFSKY, JOSEPH	2010	MONMOUTH	11/04/2015	11/04/2015
RINALDO, RICHARD P	2003	UNION	10/15/2015	10/15/2015
VREELAND, ROBERT M.	1989	ESSEX	03/26/2015	03/26/2015
WRIGHT, KATRINA F	1988	BURLINGTON	07/16/2015	07/16/2015

PUBLIC REPRIMAND (28)

ATTORNEY	ADMITTED	LOCATION	DECIDED	EFFECTIVE
AGRAPIDIS, EVANS CHRIS	1983	BERGEN	03/26/2015	03/26/2015
AUTRY, WAYNE ANTONIO	2001	ESSEX	07/02/2015	07/02/2015
BARDIS, CONSTANTINE	1999	MONMOUTH	01/22/2015	01/22/2015
BARRINGER, JENNIFER LEE	2008	UNKNOWN	07/21/2015	07/21/2015
BOYD, CAROLE KING	1985	TEXAS	05/21/2015	05/21/2015
CAMERON, JOSE M.	1978	MIDDLESEX	03/30/2015	03/30/2015
CASTIGLIA, V JAMES	1977	MORRIS	03/02/2015	03/02/2015
CERZA, JOHN EDWARD	1996	ESSEX	01/15/2015	01/15/2015
CRUZ, JORGE	1986	UNION	04/01/2015	04/01/2015

DWYER, ANDREW WILLIAM	1990	ESSEX	09/25/2015	09/25/2015
DZWILEWSKI, ALLAN P.	1973	MORRIS	03/27/2015	03/27/2015
FITZGERALD, NICHOLAS	1985	HUDSON	02/27/2015	02/27/2015
GAZDZINSKI, ERYK ANTHONY	1984	CAMDEN	01/16/2015	01/16/2015
LEONARD, DANIELLE S	2010	MIDDLESEX	07/15/2015	07/15/2015
LORD, ESTELLE FLYNN	1983	UNION	01/15/2015	01/15/2015
MARRACCINI, JENEL R	2004	PENNSYLVANIA	06/02/2015	06/02/2015
MC LAUGHLIN, MICHAEL A SR	1999	MORRIS	09/28/2015	09/28/2015
MICHALS, SPIRO T.	1991	MONMOUTH	02/27/2015	02/27/2015
MURRAY, JOHN M	1994	FLORIDA	05/06/2015	05/06/2015
PALITTO, JOHN J. JR.	1992	CAMDEN	03/31/2015	03/31/2015
RABIN, HOWARD R	2007	MIDDLESEX	10/22/2015	10/22/2015
RESNICK, BRUCE M.	1985	CAMDEN	02/27/2015	02/27/2015
ROBINSON, CHERI S WILLIAMS	2001	PENNSYLVANIA	10/21/2015	10/21/2015
ROY, DANIEL J	1975	ESSEX	07/02/2015	07/02/2015
RUFFOLO, MARK EDWARD	1995	BERGEN	02/03/2015	02/03/2015
SACHS, LAWRENCE B	1983	MONMOUTH	09/28/2015	09/28/2015
SHAPIRO, JOEL F.	1989	SOMERSET	01/15/2015	01/15/2015
YANNON, CHRISTOPHER L.	2002	MONMOUTH	02/27/2015	02/27/2015

ADMONITION (19)

ATTORNEY	ADMITTED	LOCATION	DECIDED	EFFECTIVE
ALFANO, ANNETTE PATRICIA	1984	SOMERSET	05/27/2015	05/27/2015
CONROY, JOHN L JR	1975	CAMDEN	10/16/2015	10/16/2015
DAMIAN, CHARLES M	1979	ESSEX	05/27/2015	05/27/2015
DAWSON, MICHAEL COREY	2000	MIDDLESEX	10/20/2015	10/20/2015
DE LUCA, RICHARD MARIO	1983	SOMERSET	03/09/2015	03/09/2015
GAUGHAN, VINCENT JOSEPH	1991	BURLINGTON	07/02/2015	07/02/2015
GLEASON, MARTIN ALBERT	1992	SOMERSET	01/30/2015	01/30/2015
HAND, STEPHANIE A.	2000	ESSEX	01/20/2015	01/20/2015
HUTT, JOHN JOSEPH	1999	ATLANTIC	05/27/2015	05/27/2015
JEAN BAPTISTE, JOSUE	2008	PASSAIC	09/21/2015	09/21/2015
LUEDDEKE, RONALD L.	1976	MONMOUTH	03/25/2015	03/25/2015
MULLEN, MITCHELL L.	1985	CAMDEN	01/16/2015	01/16/2015
ROBBINS, SPENCER B.	1981	MIDDLESEX	02/25/2015	02/25/2015
SALAMI, STEVEN H.	2000	MONMOUTH	05/27/2015	05/27/2015
SALZMAN, ERIC	2007	ESSEX	05/27/2015	05/27/2015
STERNSTEIN, NEIL I	1975	GLOUCESTER	12/16/2015	12/16/2015
TARIGO, THOMAS J	2001	CALIFORNIA	09/28/2015	09/28/2015
WEBER, MICHAEL JONATHAN	1998	MONMOUTH	06/04/2015	06/04/2015
WILSON, WALTER N	1980	HUNTERDON	11/24/2015	11/24/2015

SUSPENSION INDEFINITE (1)

ATTORNEY	ADMITTED	LOCATION	DECIDED	EFFECTIVE
SWIDLER, ARTHUR E.	1985	MERCER	03/19/2015	03/19/2015

TOTAL FINAL DISCIPLINE.....116

TEMPORARY SUSPENSION (33)

ATTORNEY	ADMITTED	LOCATION	DECIDED	EFFECTIVE
ABONGWA, EMMANUEL N	1993	ESSEX	11/04/2015	11/04/2015
ADAMS, JEFFREY M	1990	OCEAN	04/01/2015	05/01/2015
ADAMS, JEFFREY M	1990	OCEAN	07/01/2015	07/01/2015
BASHIR, MUHAMMAD	1987	UNION	06/24/2015	07/27/2015
BLOODSAW, TRACEY A	1997	JERSEY CITY	09/10/2015	09/10/2015
BOLTON, MICHAEL DENNIS	1989	SOMERSET	05/27/2015	05/27/2015
COHEN, JACK S	1993	CAMDEN	09/10/2015	09/10/2015
DAVIDSON, MARVIN S	1969	ESSEX	03/30/2015	04/30/2015
DENENBERG, DAVID WARREN	1989	NEW YORK	02/09/2015	02/09/2015
FERRIERO, JOSEPH ANTHONY	1982	BERGEN	07/21/2015	07/21/2015
GALLAGHER, WILLIAM B. JR.	1968	MONMOUTH	01/30/2015	01/30/2015
GOLDMAN, ELIZABETH MICHELLE	1997	CAMDEN	07/15/2015	07/15/2015
GREENMAN, JONATHAN	2003	BERGEN	02/20/2015	02/20/2015
GREENMAN, SAL	1993	BERGEN	02/20/2015	02/20/2015
JACOBS, FREDDY	1988	NEW YORK	07/20/2015	07/20/2015
JUDGE, PATRICK JR	1995	BURLINGTON	05/26/2015	05/26/2015
KAUFMAN, ANDREW ROSS	1987	CAMDEN	08/31/2015	08/31/2015
KENNEDY, JAMES WILLIAM	1983	OCEAN	12/09/2015	12/09/2015
LAMARRE SUMNERS, RENEE-LISE	1994	MERCER	07/22/2015	07/22/2015
LEDINGHAM, RICHARD	1981	BERGEN	02/26/2015	03/30/2015
MADDEN, JAMES P	1990	HUDSON	05/12/2015	05/12/2015
MC DONALD, ANDREW T	2000	MONMOUTH	12/01/2015	12/29/2015
NEUGEBOREN, MATTHEW S	2002	MONMOUTH	06/02/2015	06/02/2015
PALMER, MICHAEL J.	1991	ESSEX	01/14/2015	01/14/2015
REIS, BRIAN H	1991	MORRIS	08/11/2015	08/11/2015
ROBERTS, RICHARD M	1971	ESSEX	10/26/2015	11/24/2015
ROBINSON, CHERI S WILLIAMS	2001	PENNSYLVANIA	06/04/2015	07/06/2015
SACHS, LAWRENCE B.	1983	MIDDLESEX	02/24/2015	02/24/2015
TALAFOUS, JOSEPH J JR	1989	HUDSON	05/20/2015	05/20/2015
WILSON, WALTER N.	1980	HUNTERDON	01/12/2015	01/12/2015
WINSTON, ERIC M	2002	MONMOUTH	03/31/2015	05/01/2015
WINTERS, WILLIAM S	1993	MIDDLESEX	04/30/2015	04/30/2015
ZIELYK, ANDREY V.	1986	MORRIS	02/10/2015	02/10/2015

TOTAL TEMPORARY DISCIPLINE.....33

REINSTATEMENTS (21)

ATTORNEY	SUSPENDED	LOCATION	DECIDED	EFFECTIVE
BRONSON, LARRY	01/22/2008	NEW YORK	10/23/2015	10/23/2015
CARMEL, DAVID R.	11/07/2014	BERGEN	02/25/2015	02/25/2015
CARRACINO, ANTHONY FREDERICK	01/04/1999	MIDDLESEX	09/18/2015	09/18/2015
FILOSA, GREGORY N	02/12/2013	NEW YORK	06/11/2015	06/11/2015
GRASSO, DONALD J.	05/10/2012	OCEAN	01/23/2015	01/23/2015
GRUEN, DAVID	08/01/2014	NEW YORK	08/11/2015	08/11/2015
JACOBY, PETER H.	01/23/2015	PENNSYLVANIA	01/23/2015	01/23/2015

KATZ, ALEX	10/08/2007	CAMDEN	06/01/2015	06/01/2015
KHOUDARY, NICHOLAS	07/05/2013	MIDDLESEX	07/23/2015	07/23/2015
MARRA, ALLEN C	03/22/2002	ESSEX	07/23/2015	07/23/2015
MARRA, ALLEN C	05/03/2005	ESSEX	07/23/2015	07/23/2015
MORTON, BENJAMIN	01/06/2015	ESSEX	04/14/2015	04/14/2015
MUELLER, ERIK	06/24/2011	OCEAN	01/23/2015	01/23/2015
NIHAMIN, FELIX	07/17/2014	NEW YORK	01/23/2015	01/23/2015
ORLOVSKY, DALE S	05/11/2012	OCEAN	06/01/2015	06/01/2015
POCARO, JEFFREY R.	10/23/2014	UNION	01/28/2015	01/28/2015
RESTAINO, EMIL T	07/01/2010	ESSEX	07/23/2015	07/23/2015
SACHS, LAWRENCE B.	02/24/2015	MIDDLESEX	03/03/2015	03/03/2015
STOLZ, JARED	10/03/2014	HUNTERDON	01/23/2015	01/23/2015
VAN SYOC, CLIFFORD L.	02/14/2014	CAMDEN	03/27/2015	03/27/2015
WASHINGTON, GORDON A	05/26/2010	MORRIS	12/10/2015	12/10/2015

TOTAL REINSTATEMENTS.....21

FIgure 5

IV. GROUNDS FOR FINAL DISCIPLINE

The type of misconduct committed in final discipline cases is as follows:

A. KNOWING MISAPPROPRIATION

Knowing misappropriation was the most common reason why attorneys were disciplined in 2015. More than sixteen percent (16.4%) of the 116 attorneys disciplined in 2015 were guilty of knowingly misappropriating trust funds.

Knowing misappropriation cases are of special importance in this state. New Jersey maintains a uniform and unchanging definition of this offense as set forth in the landmark decision of *In re Wilson,* 81 *N.J.* 451 (1979). It is simply taking and using a client's money knowing that it is the client's money and that the client has not authorized its use. Knowing misappropriation cases, involving either client trust/escrow funds or law firm funds, mandate disbarment.

1. Trust Overdraft Notification

New Jersey has the most pro-active financial programs of any state in the country, including Trust Overdraft Notification (Overdraft Program) and Random Audits (RAP). The Overdraft Program requires that all financial institutions report to the OAE whenever an attorney trust account check is presented against insufficient funds. During the 31 years of its existence, the Overdraft Program has been the sole source for the discipline of 191 New Jersey lawyers. Almost one half of the attorneys (47%) so disciplined were disbarred. In 2015, 11 attorneys were detected and disciplined through this program:

- Wayne Antonio Autry from Essex County was reprimanded;
- Constantine Bardis from Monmouth County was reprimanded;
- Jennifer Lee Barringer was reprimanded;
- Jose M. Cameron from Middlesex County was reprimanded;
- Richard Mario DeLuca from Somerset County was admonished;
- Herbert Ezor from Passaic County was suspended;
- Patrick Judge, Jr. from Camden County was disbarred by consent;
- Daniel B. Kelley from Camden County was disbarred;
- Young Min Kim from Bergen County was censured;
- Eric Salzman from Essex County was admonished; and
- Michael Jonathan Weber from Monmouth County was admonished.

2. Random Audit Program

The Random Audit Program began conducting audits in 1981. While not designed primarily to detect misappropriation, audits have resulted in the detection of some serious financial violations. Over the 34 years of its operation, a total of 181 attorneys, detected solely by this program, have been disciplined for serious ethical violations. Fifty-seven percent (57%) of those attorneys were disbarred or suspended. In 2015, four (4) attorneys were disciplined for committing serious financial violations:

- Evans Chris Agrapidis from Bergen County was reprimanded;
- George B. Campen from Hudson County was disbarred by consent;
- Adam Robert Glinn from Middlesex County was disbarred by consent; and
- Robert S. Seguin from Middlesex County was disbarred by consent.

B. OTHER MONEY OFFENSES

In second place was the category of "Other Money Offenses" at 15.5% (18 of 116 cases). This category includes negligent or reckless misappropriation, serious trust account recordkeeping deficiencies, and failure to safeguard funds and escrow violations. In 2014, this category was the third most frequent reason for discipline.

C. GROSS NEGLECT / LACK OF DILIGENCE / INCOMPETENCE

In third place was the category of "Gross Neglect / Lack of Diligence / Incompetence" at 12.9% (15 of 116 cases). Attorneys who engage in grossly negligent conduct or who lack diligence or act incompetently are a clear danger to the public. In 2014, this category was the second most frequent reason for lawyer sanctions.

D. NON-COOPERATION WITH ETHICS AUTHORITIES

The category of "Non-cooperation with Ethics Authorities" came in fourth place at 9.5% (11 of 116 cases). Attorneys have an ethical obligation under RPC 8.1(b) and *R.1:20-3(g)(3)* to cooperate during the investigation, hearing and processing of disciplinary matters. Some lawyers are disciplined for non-cooperation even though the grievance originally filed against them was ultimately dismissed because there was no proof of unethical conduct. The disciplinary system could not properly function and endeavor to meet its goals for timely disposition of cases without the attorney's cooperation.

E. FRAUD AND MISREPRESENTATION

In fifth place for 2015 was the grouping of fraud and misrepresentation (whether resulting from criminal or disciplinary findings), which account for 8.6% of all final discipline cases (10 of 116 cases.) This grouping was the most common reason for discipline in both 2013 and 2014.

F. CRIMINAL CONVICTIONS

Coming in sixth place is the category of "Criminal Convictions" (excluding misappropriation, fraud and drug convictions). Six percent (7 of 116 cases) of the attorneys disciplined in 2015 were convicted of crimes.

G. ADMINISTRATION OF JUSTICE

"Administration of Justice" accounted for 5.2% (6 of 116 cases) of all final discipline cases and was in seventh place this year. This category has appeared on the list in 2005, 2006, 2008 and 2012.

H. CONFLICT OF INTEREST

"Conflict of Interest" came in eighth place, accounting for 4.3% (5 of 116 cases) of all final discipline cases. This group was in seventh place in 2014.

I. LACK OF COMMUNICATION

Also tied for eighth place is the category of "Lack of Communication" at 4.3% (5 of 116 cases). Lawyers are ethically required by RPC 1.4 to "keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information." They also must "explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation." This group was in fifth place in 2014.

J. INELIGIBLE PRACTICING LAW

The grouping "Ineligible Practicing Law" was in ninth place this year at 2.6% (3 of 116 cases). This violation arises when lawyers continue to engage in the practice of law after they are ordered by the Supreme Court to cease practicing because they have failed to make payment of the mandatory annual attorney registration licensing fee. This grouping has been in the top ten grounds for discipline in 2004, 2006, 2008, 2009, 2011, 2012, 2013 and 2014.

Tied for tenth place this year, each at 1.7% (2 of 116 cases), are the categories of Unauthorized Practice of Law, Improper Termination of Representation, and Fees.

K. UNAUTHORIZED PRACTICE OF LAW

RPC 5.5 defines the Unauthorized Practice of Law to include not only an attorney practicing New Jersey law after his/her license to practice here has been revoked, but also when an attorney admitted here assists a non-lawyer in the performance of activity that constitutes the unauthorized practice of law.

L. IMPROPER TERMINATION OF REPRESENTATION

The Rules of Professional Conduct limit when and how an attorney may withdraw from the representation of a client and require an attorney who is withdrawing from representation to take reasonable steps to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled and refunding any advance payment of fee that has not been earned or incurred. *RPC* 1.16.

M. FEES

Lawyers are required under *RPC* 1.5 to charge no more than a reasonable fee. When a fee becomes grossly excessive or violates other related rules, such as the requirement to have a fee agreement in writing, discipline is imposed.

Summaries of each of the 116 final discipline cases can be found in **Figure 6.**

Figure 6

2015 Disciplinary Summaries

Arnold M. Abramowitz - Suspended for one year on a certified record effective April 13, 2015 (220 *N.J.* 589*)* for violating *RPC* 1.1(b) (pattern of neglect), *RPC* 1.4(b) (failure to communicate with client), and *RPC* 8.1(b) (failure to cooperate with disciplinary authorities). Andrea L. Alexander represented District VB and respondent was pro se. The respondent was previously disciplined: Admonished in 1995, 1996 and 1997, reprimanded in 2008, and suspended for three months in 2009.

Evans C. Agrapidis – Reprimanded on March 26, 2015 (221 *N.J.* 64) for failing to promptly deliver funds to a client or third party. The OAE's random audit revealed that $114,624 remained on deposit in respondent's trust account, representing eighty client trust balances that lay dormant in the firm's trust account for periods of five to fourteen years. Almost all of the balances were undisbursed proceeds from personal injury cases handled by respondent. Maureen G. Bauman represented the OAE before the DRB and Alan L. Zegas represented respondent. The respondent was previously disciplined: Reprimand in 2006. This matter was discovered solely as a result of the Random Audit Program.

Annette P. Alfano - Admonished on May 27, 2015 (*Unreported*) for improper release of escrow funds in a cancelled real estate transaction. Melissa A. Czartoryski represented the OAE and the respondent was pro se.

John Charles Allen – Censured on May 6, 2015 (221 *N.J.* 298) for violating *RPC* 1.1(a), *RPC* 1.3, *RPC* 1.4(b), *RPC* 8.4(a), and *RPC* 8.4(d). Timothy Little appeared before the DRB on behalf of the District VIII Ethics Committee and the respondent appeared pro se. The respondent was previously disciplined: Admonished in 2005.

Douglas R. Arntsen - Disbarred on March 6, 2015 (220 *N.J.* 585) following his guilty plea in New York State Court to three counts of first-degree grand larceny, in violation of NY Penal Law §155.40(2) and one count of first-degree scheme to defraud, in violation of NY Penal Law §190.65(1)(b). The Court determined that respondent's criminal conduct equated to the knowing misappropriation of funds and that disbarment was required in accord with the principles of In re Wilson, 81 N.J. 451 (1979) and In re Hollendonner, 102 N.J. 21 (1985). Hillary Horton represented the OAE on the motion for final discipline and respondent was pro se.

Wayne Antonio Autry – Reprimanded on a certified record on July 2, 2015 (222 *N.J.* 5) for recordkeeping violations and failure to respond to a lawful demand for information from a disciplinary authority. The case resulted from respondent's failure to comply with the conditions required by a February 27, 2013 Agreement in Lieu of Discipline ("AILOD"). The AILOD required respondent to attend in-person a course on trust and business accounting by a certain date. Respondent instead listened to an audio recording of an accounting course. Additionally, respondent applied for CLE credit for the course when the AILOD forbid such credit. Respondent failed to take corrective action and respond to the disciplinary authorities. Missy Urban represented the OAE and respondent was pro se. This matter was discovered solely as a result of the Trust Overdraft Notification Program.

Constantine Bardis – Reprimanded on January 22, 2015 (220 *N.J.* 340) for commingling of client and personal funds in the trust account and recordkeeping deficiencies. Melissa A. Czartoryski handled the matter for the OAE and respondent was pro se. The respondent was previously disciplined: Admonished in 2012. This matter was discovered as a result of the Trust Overdraft Notification Program.

Jennifer L. Barringer - Reprimanded on a certified record on July 21, 2015 *(*222 *N.J.* 32*)* for violating *Rule* 1:20-6, *RPC* 1.15(d) (recordkeeping violations), and *RPC* 8.1(b) (failure to cooperate with disciplinary authorities). Temporarily suspended as of May 15, 2014, respondent is to remain suspended pending submission of proof to the OAE that she properly maintains all required New Jersey bank accounts and client records. HoeChin Kim represented the OAE, and respondent was pro se. This matter was discovered as a result of the Trust Overdraft Notification Program.

Edward R. Bassetti – Censured on September 25, 2015 (223 *N.J.* 239) relating to a real estate matter for lack of diligence in violation of *RPC 1.3*, failure to communicate with client in violation of *RPC 1.4 (b),* failure to promptly disburse funds in violation of *RPC 1.15 (b)* and recordkeeping deficiencies in violation of *RPC 1.15 (d).* Maureen G. Bauman represented the OAE. Respondent was represented by Adam Adrignolo on the motion for discipline by consent. The respondent was previously disciplined: Reprimanded in 2013.

David M. Beckerman – Censured on September 28, 2015 (220 *N.J.* 215) for engaging in conduct in violation of *RPC* 3.2 (failing to treat with courtesy and consideration all persons involved in the legal process) and *RPC* 3.4 (threatening to present criminal charges to obtain an improper advantage in a civil matter). Philip B. Vinick handled the matter for the District VC Ethics Committee

and respondent was pro se. Respondent was previously disciplined: Admonished in 2014.

Vincent E. Bevacqua – Suspended for three months on December 9, 2015, effective January 7, 2016, (223 *N.J.* 407) for violating *RPC* 4.1(a)(1) (false statement of material fact to a third person) and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). David M. Puteska represented District VA and Thomas R. Ashley represented respondent. The respondent was previously disciplined: Reprimanded in 2002; suspended for six months and then suspended for an additional three years in 2004.

Adam K. Block - Suspended for six months on a certified record on September 10, 2015 (222 *N.J.* 609) for gross neglect, lack of diligence, failure to communicate with the client, practicing while ineligible and failure to cooperate with disciplinary authorities. Richard M. Cohen appeared before the DRB for the District XII Ethics Committee and the respondent failed to appear. The respondent was previously disciplined: Reprimanded in 2013, and censured twice in 2014.

Thomas A. Blumenthal – Censured on July 15, 2015 (222 *N.J.* 25) for violating RPC 1.7(a), by representing both the buyer and the seller in a real estate transaction, without disclosure of the conflict and without obtaining the written consent of both parties. In addition, respondent stonewalled the discovery requests made by grievant's attorney in a malpractice action related to the real estate transaction. Adam Schwartz appeared before the DRB on behalf of the District IIB Ethics Committee. Respondent waived appearance for oral argument

Carole King Boyd – Reprimanded on May 21, 2015 (221 *N.J.* 482) for violating *RPC 1.16 (d)* (failure to take reasonable steps to protect the interests of a client on termination of representation). Maureen G. Bauman represented the OAE and respondent was pro se. Respondent was previously disciplined: Temporarily suspended in 2011.

Terence S. Brady - Suspended for one year on January 14, 2015 (220 *N.J.* 212) for violating *RPC* 5.5(a)(1) and Rule 1:20-16 (unauthorized practice of law), *RPC* 8.1(b) (failure to cooperate with disciplinary authorities), *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation), and *RPC* 8.4(d) (conduct prejudicial to the administration of justice). Jason D. Saunders represented the OAE and respondent was represented by John P. Yetman, Jr., Esq. Respondent was previously disciplined: Suspended for three months in 2011.

Jose N. Cameron - Reprimanded on March 30, 2015 (221 *N.J.* 238) for recordkeeping deficiencies and negligent misappropriation of client funds. Christina Blunda Kennedy appeared before the DRB for the OAE and respondent appeared pro se. Respondent was previously disciplined: Admonished in 2007. This matter was discovered solely as a result of the Trust Overdraft Notification Program.

George B. Campen – Disbarred by consent on November 19, 2015 (223 *N.J.* 360) for instances of knowing misappropriation that occurred in 2014 and 2015. Michael J. Sweeney represented the OAE and Robert E. Margulies represented the respondent. This matter was discovered solely as a result of the Random Audit Program.

V. James Castiglia - Reprimanded on March 2, 2015, (220 *N.J.* 582) for violating *RPC* 1.2(a) (failure to abide by a client's decisions concerning the scope and objectives of the representation). Michael Justice represented District XB and Respondent was pro se on a motion for discipline by consent granted by the Disciplinary Review Board. Respondent was previously disciplined: Admonished in 1997; reprimanded in 1999 and 2009.

Anne P. Cataline – Respondent was suspended for two years on September 28, 2015 (223 *N.J.* 269), on a certified record from the District IIIB Ethics Committee. Respondent's conduct was in violation of *RPC* 1.1(a). *RPC* 1.4(b), *RPC* 1.15(a) and *RPC* 8.1(b) Respondent was previously reprimanded in 2014 for similar violations of *RPC* 1.1(a). *RPC* 1.4(b), *RPC* 1.3 and *RPC* 8.1(b). Yasmeen Khaleel handled the matter for District IIIB and respondent was pro se. Respondent was previously disciplined: Reprimanded in 2014.

John E. Cerza - Reprimanded on January 15, 2015 (220 *N.J.* 215) for violating *RPC* 1.15(b) (failure to promptly deliver funds to a client), *RPC* 3.4(c) (knowingly disobeying an obligation under the rules of a tribunal), and *RPC* 8.4(d) (conduct prejudicial to the administration of justice). Timothy J. McNamara represented the OAE and Salvatore T. Alfano represented respondent. Respondent was previously disciplined: Admonished in 2010.

Francis X. Connolly - Disbarred by consent on October 19, 2015 (223 *N.J.* 288) for knowing misappropriation of funds from estates for which he served as executor. Steven J. Zweig represented the OAE and Edward J. Dimon represented respondent.

John l. Conroy, Jr. – Admonished on October 16, 2015 *(Unreported)* for neglect of a client matter, failure to communicate with the client and failure to provide him with a writing setting forth the basis or rate of the fee.

Gilbert J. Scutti represented the District IV Ethics Committee on a Motion for Discipline by Consent and the respondent was pro se.

Jorge Cruz – Reprimanded on April 1, 2015 (221 *N.J.* 257) for engaging in a conflict of interest by drafting a lease for a landlord and later representing the tenant without obtaining their written consent to the dual representation. Further, respondent prepared an application and affidavit for the transfer of a liquor license and failed to disclose to the ABC that the beneficiary of the transaction had an interest in two other liquor licenses. In doing so, respondent engaged in conduct involving dishonesty, fraud or deceit and misrepresentation. Maureen G. Bauman represented the OAE and Raymond Londa represented the respondent.

Charles M. Damian - Admonished on May 27, 2015 (*Unreported*) for filing a defective complaint in a foreclosure action, failing to cure the deficiencies despite court notification, and taking no action to vacate the dismissal after it occurred in May 2013. The respondent also failed to inform his client that he failed to amend the original complaint, that the complaint was dismissed, that it had not been reinstated and that he never filed a new complaint on their behalf. Robert J. Rohrberger represented District VC and Catherine Mary Brown represented the respondent on a motion for discipline by consent.

Michael Corey Dawson – Admonished on October 20, 2015 *(Unreported)* for failing to reply to repeated requests for information from the DEC investigator regarding his representation of a client in three criminal defense matters, in violation of *RPC* 8.1(b). Berge Tumaian represented the District IIIB Ethics Committee and respondent was pro se.

Shane C. De Leon – Disbarred by consent on February 25, 2015 (220 *N.J.* 568) for the knowing misappropriation of client escrow funds. Jason D. Saunders represented the OAE and James N. Barletti represented respondent.

Richard Mario DeLuca - Admonished on March 9, 2015 (*Unreported*) for commingling personal and trust funds in his attorney trust account, in violation of *RPC* 1.15(a). Michael J. Sweeney represented the OAE and John McGill III represented the respondent. This matter was discovered as a result of the Trust Overdraft Notification program.

David Warren Denenberg - Disbarred by consent on February 25, 2015 (220 *N.J.* 566) following his guilty plea in United States District Court, Eastern District of New York to eight counts of mail fraud, in violation of 18 U.S.C. §1341, §1342, and §3551. Hillary Horton represented the OAE before the Supreme Court and Steven M. Lester represented the respondent. The respondent was previously disciplined: Reprimanded in 2007.

Paul D. DiGiacomo – Disbarred by consent on January 5, 2015, (220 *N.J.* 113) for the knowing misappropriation of escrow and/or law firm funds. Jason D. Saunders represented the OAE and Martin D. Eagan represented respondent.

Andrew William Dwyer - Reprimanded by consent on September 25, 2015 (223 *N.J.* 240) for violating *RPC* 1.1(a) (gross neglect), *RPC* 1.3 (lack of diligence), *RPC* 1.4(b) (failure to keep a client reasonably informed about the status of a matter), *RPC* 1.4(c) (failure to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation), and *RPC* 8.4(c) (conduct involving dishonesty, deceit or misrepresentation). Richard Bernstein represented District VA and respondent was pro se.

Allan P. Dzwilewski - Reprimanded on March 27, 2015, (221 *N.J.* 212) for violating *RPC* 1.2(a), *RPC* 1.4(b) and *RPC* 1.4(c). Douglas Ehrenworth represented District XA and respondent was pro se on a motion for discipline by consent granted by the DRB. Respondent was previously disciplined: Reprimanded in 2007.

Herbert R. Ezor - Suspended for three months on a certified record on July 2, 2015 (222 *N.J.* 8) for using his trust account as a personal account, practicing law while ineligible, failing to cooperate with disciplinary authorities; engaging in conduct involving dishonesty, fraud, deceit or misrepresentation), and engaging in conduct prejudicial to the administration of justice. Christina Blunda Kennedy appeared before the DRB for the OAE and the respondent failed to appear. The respondent was previously disciplined: Reprimanded in 2001. This matter was discovered as a result of the Trust Overdraft Notification Program.

Thomas A. Fee – Disbarred by consent on January 22, 2015 (220 *N.J.* 342) for utilizing the power of attorney he held for his aunt, and subsequently his authority as executor of her estate, to take funds of more than $73,000 from her bank accounts for his own personal use and utilizing his aunt's credit card to purchase more than $7,700 of goods and services for his own use and taking funds from his aunt's bank account to pay the credit card bills. Missy Urban represented the OAE and Orlando Torres, Jr. represented the respondent.

Eric A. Feldhake – Censured on June 4, 2015 (222 *N.J.* 10) for violating *RPC* 1.4(d) (failure to advise client that

assistance client seeks is prohibited by *Rules of Professional Conduct*), *RPC* 4.4(a) (conduct that has no substantial purpose other than to embarrass, delay, or burden third person or use of methods to obtain evidence that violates legal rights of such person), and *RPC* 8.4(d) (conduct prejudicial to the administration of justice). Daniel Q. Harrington appeared before the DRB for District IV and David H. Dugan, III represented respondent.

Nicholas Fitzgerald – Reprimanded on February 27, 2015 (220 *N.J.* 570) for violating *RPC* 1.17(c)(2) (failure to timely notify clients of the sale of the attorney's law practice, at least sixty days prior to the actual transfer of the law practice); *RPC* 1.17(c)(3) (failure, as purchasing attorney of a law practice, to publish a notice of the transfer in the New Jersey Law Journal, at least thirty days in advance of the transfer date; *RPC* 1.17 (d) (improperly charging additional fees upon the sale of a law practice); and *RPC* 8.4(a) (violating the RPCs through the acts of another). Michael J. Sweeney represented the OAE and Glenn Reiser represented respondent.

Daniel J. Fox - Suspended for one year on April 23, 2015, effective February 1, 2010 (221 *N.J.* 263) following his guilty plea in United States District Court for the District of New Jersey to one-count of making a false, fictitious and fraudulent statement to the Department of Housing and Urban Development, in violation of 18 U.S.C. §1001. Hillary Horton represented the OAE on a motion for final discipline and Ronald C. Hunt represented respondent. The respondent was previously disciplined: Censured in 2012.

Vincent Joseph Gaughan – Admonished on July 2, 2015 *(Unreported)* for failing to cooperate with a disciplinary investigation. Stephen Traub handled the matter for the District IIIB Ethics Committee and respondent was pro se.

Eryk A. Gazdzinski – Reprimanded on January 15, 2015 (220 *N.J.* 218) for not having a fee agreement with his client in a civil family action, in violation of *RPC* 1.5(b), failing to provide his entire file to the ethics investigator, in violation of *RPC* 8.1(b), and entering into an agreement to dismiss the ethics grievance in exchange for a resolution of a fee arbitration matter, in violation of *RPC* 8.4(d). Anne T. Picker appeared before the DRB for District IV and David H. Dugan, III appeared for respondent.

Elizabeth A. Glasser - Censured on a certified record on July 15, 2015 (222 *N.J.* 26) for gross neglect, lack of diligence, failure to adequately communicate with the client, failure to memorialize the rate or basis of the fee, failure to refund an unearned retainer, failure to return the file on termination of the representation, practicing while ineligible, and failure to cooperate with disciplinary authorities. Karen E. Bezner appeared before the DRB for the District XII Ethics Committee and respondent failed to appear.

Martin A. Gleason - Admonished on a certified record on February 3, 2015 (*Unreported*) for failing to inform his client on two occasions that the client's land use application had been deemed deficient by the local planning board. The respondent also failed to cooperate with the District XIII Ethics Committee. John C. Macce represented District XIII and respondent was pro se. The respondent was previously disciplined: Reprimanded in 2011.

Adam Robert Glinn – Disbarred by consent on October 28, 2015 (223 *N.J.* 344) for knowing misappropriation of approximately $260,000 in client funds. Michael J. Sweeney represented the OAE and Fredrick J. Dennehy represented the respondent. This matter was discovered solely as a result of the Random Audit Program.

Raymond Goodwin – Censured on a certified record on February 12, 2015 (220 *N.J.* 487) for failing to comply with a New Jersey Supreme Court Order that required the respondent to file an affidavit of compliance for suspended or disbarred attorneys in accordance with R.1:20-20, in violation of *RPC* 8.4(d), and failing to cooperate with disciplinary authorities, in violation of *RPC* 8.1(b). Jason D. Saunders represented the OAE and respondent was pro se. The respondent was previously disciplined: Suspended in 2011 and reprimanded in 2010.

Lee A. Gottesman - Suspended for three years, retroactive to May 13, 2013, (222 *N.J.* 28) following his conviction in the United States District Court for the District of New Jersey to tax evasion, in violation of 26 U.S.C. § 7201, and willful failure to pay payroll taxes, in violation of 26 U.S.C. § 7202. Respondent failed to pay his own income taxes and also collected payroll tax from his employees while failing to turn it over to the IRS. Hillary Horton represented the OAE on a motion for final discipline and Salvatore T. Alfano represented respondent. The respondent was previously disciplined: Censured in 2005.

Jeffrey R. Grow - Censured on October 23, 2015, (223 *N.J.* 342) for violating *RPC* 1.16(b) (improper withdrawal from the representation of the client), *RPC* 1.16 (c) (failure to comply with applicable law requiring notice to or permission of a tribunal when terminating the representation), *RPC* 1.16 (d) (failure to protect his client's interests, upon termination of the representation), *RPC* 5.5(a) (1) (practicing law while ineligible), and *RPC* 8.4(d) (conduct prejudicial to the administration of justice). Michael C. Gaus represented District XB and

respondent was pro se on a motion for discipline by consent granted by the DRB. Respondent was previously disciplined: Admonished in 2011.

Michael D. Halbfish – Disbarred on a certified record on February 4, 2015 (220 *N.J.* 463) for misconduct in five matters in which he violated *RPC* 1.1(a) gross neglect, *RPC* 1.1(b) pattern of neglect, *RPC* 1.3 lack of diligence, *RPC* 1.4(b) failure to keep his clients apprised of the status of their cases, and *RPC* 8.1(b) failure to comply with reasonable requests for information from a disciplinary authority. Christina Blunda Kennedy appeared before the Supreme Court for the OAE and respondent failed to appear. Respondent had previously been disciplined: Censured in 2010 and 2011, and suspended for six months in 2013.

Frank J. Hancock - Suspended for six months on April 7, 2015, retroactive to September 24, 2008 (221 *N.J.* 259) for assisting a disbarred lawyer in the unauthorized practice of law in New York, in violation of *RPC* 5.5(a)(2); failing to utilize a written fee agreement, in violation of *RPC* 1.5(b); and conduct involving dishonesty, fraud, deceit or misrepresentation, in violation of *RPC* 8.4(c). Hillary Horton represented the OAE before the DRB on a motion for reciprocal discipline and respondent failed to appear.

Stephanie A. Hand - Admonished on January 20, 2015 (*Unreported*) for failing to communicate with her client about the status of his case, failing to inform her client that an unfavorable arbitrator's decision was not appealable, and failing to notify her client that she could not file a complaint on his behalf. She also failed to act with diligence in the representation of her client. Elizabeth D. Silver represented District VA and John McGill III represented respondent.

Richard S. Hanlon - Disbarred by consent on March 4, 2015 (220 *N.J.* 584) after pleading guilty to theft of his client's funds under Hudson County Indictment No. 1222-07-2014 in violation of N.J.S.A. 2C:20-3. Jason D. Saunders represented the OAE and Chanel Hudson represented respondent. The respondent was previously disciplined: Suspended for three months in 1997.

Edward Harrington Heyburn - Censured on June 18, 2015 (221 *N.J.* 631) for gross neglect, lack of diligence, failure to communicate with a client, and misrepresentation to a client he was representing in a nursing home malpractice/wrongful death case. Robert W. Rubinstein represented District VII and respondent was pro se. The Respondent was previously disciplined: Censured in 2013.

John Joseph Hutt – Admonished on May 27, 2015 *(Unreported)* for his handling of a personal injury case in which he failed to resolve outstanding medical liens for more than one year, a violation of *RPC* 1.3. This lack of diligence, in turn, caused respondent to fail to promptly deliver funds to third parties, the medical providers and lienholders, a violation of *RPC* 1.15(b). Further, respondent failed to reply to inquiries from the client about the settlement of these liens, a violation of *RPC* 1.4(b). Maureen G. Bauman represented the OAE and respondent was pro se on a motion for discipline by consent.

Lawrence J. Jaskot - Disbarred by consent on January 7, 2015, (220 *N.J.* 189) for knowingly misappropriating clients' trust funds. Christina Blunda Kennedy represented the OAE and Raymond Flood represented the respondent.

Josue Jean Baptiste – Admonished on September 21, 2015 *(Unreported)* for failing to keep his client reasonably informed about the status of a case, failing to promptly comply with the client's reasonable requests for information, and grossly neglecting the matter. Robert J. Logan represented the District XII Ethics Committee and respondent appeared pro se.

Daryll B. Jones – Suspended for five years on June 26, 2015, retroactive to May 1, 2008 (222 *N.J.* 301) for failing to safeguard client funds and recordkeeping violations in relation to his almost total abdication of recordkeeping responsibility in his New York law practice. The court also barred respondent from applying for reinstatement in New Jersey prior to reinstatement in New York, required that he complete fifteen hours of courses in trust accounting prior to reinstatement, and that he submit to financial monitoring for two years following reinstatement. Hillary Horton represented the OAE before the DRB on a motion for reciprocal discipline and respondent was pro se.

Patrick Judge, Jr. - Disbarred by consent on July 31, 2015 (222 *N.J.* 437) for knowingly misappropriating client and law firm funds. Christina Blunda Kennedy represented the OAE and Carl Poplar represented respondent. This matter was discovered as a result of the Trust Overdraft Notification Program.

Rachel Dale Kaplan – Suspended for three months on December 9, 2015 retroactive to May 7, 2012 (223 *N.J.* 399) for gross neglect, lack of diligence, failure to keep a client adequately informed, failure to turn over a client file and failure to cooperate with disciplinary authorities. These violations arose in connection with the representation of three clients in divorce and adoption matters. Christopher J. Koller appeared before the DRB

for District IIB and David H. Dugan III represented the respondent. Respondent was previously disciplined: Suspended for three months in 2012.

Daniel B. Kelley – Disbarred on December 2, 2015 (223 *N.J.* 394) for violating *RPC* 1.15(a) (failure to safeguard funds), *RPC* 1.15(b) (failure to promptly deliver funds to a client or third person), *RPC* 1.15(d) and Rule 1:21-6 (recordkeeping violations), *RPC* 8.1(b) (failure to cooperate with disciplinary authorities), *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit, or misrepresentation), and the principles of In re Wilson, 81 N.J. 451 (1979) and In re Hollendonner, 102 N.J. 21 (1985). Timothy J. McNamara represented the OAE and respondent failed to appear. This matter was discovered as a result of the Trust Overdraft Notification Program.

Daniel Donk-Min Kim – Suspended for six months effective July 31, 2015 (222 *N.J.* 3) for failing to comply with recordkeeping rules. Maureen G. Bauman represented the OAE and Frederick J. Dennehy represented respondent.

Young Min Kim – Censured on a certified record on May 20, 2015 (221 *N.J.* 438) for failure to cooperate with disciplinary authorities and failure to file an answer to the disciplinary complaint. Michael J. Sweeney represented the OAE and respondent was pro se. This matter was discovered solely as a result of the Trust Overdraft Notification Program.

Stephen P. Kinnard – Censured on a certified record on February 12, 2015 (220 *N.J.* 488) for failing to comply with a New Jersey Supreme Court Order that required the respondent to file an affidavit of compliance for suspended or disbarred attorneys in accordance with R.1:20-20, in violation of *RPC* 8.4(d), and failing to cooperate with disciplinary authorities, in violation of *RPC* 8.1(b). Jason D. Saunders represented the OAE and respondent was pro se. The respondent was previously disciplined: Suspended in 2012 and admonished in 2008.

John G. Koufos - Disbarred on February 24, 2015, (209 *N.J.* 592) following his guilty plea in the Superior Court of New Jersey to hindering apprehension or prosecution (second degree), knowingly leaving the scene of a motor vehicle accident resulting in serious bodily injury (third degree), and witness tampering (third degree), conduct that violates *RPC* 8.4(b) (commission of a criminal act that reflects adversely on his honesty, trustworthiness or fitness as a lawyer). Timothy J. McNamara represented the OAE and Timothy M. Donohue represented respondent.

Richard J. Kwasny - Disbarred on December 7, 2015 (223 *N.J.* 397) for knowing misappropriation of client funds in multiple client matters. Hillary Horton appeared before the DRB on a motion for reciprocal discipline and respondent was pro se.

Danielle Leonard - Reprimanded on July 15, 2015 (222 *N.J.* 21) for gross neglect, lack of diligence, failure to communicate with the client, failure to promptly deliver to the client property that the client is entitled to receive, failure to cooperate with disciplinary authorities and conduct involving dishonesty, fraud, deceit or misrepresentation. Evelyn Hartmann appeared before the DRB for the District VIII Ethics Committee and the respondent appeared pro se.

Estelle Flynn Lord - Reprimanded on January 15, 2015 (220 *N.J.* 339) for revealing confidential information relating to the representation of a client, engaging in a concurrent conflict of interest by sending a pre-action (fee litigation) letter to current clients and improperly terminating representation. Carl Louis Peer appeared before the DRB for District XII and Catherine Mary Brown appeared on behalf of respondent.

Joseph J. Lowenstein – Suspended for three months effective April 25, 2010, the date of the expiration of his 2012 suspension (221 *N.J.* 264) for gross neglect, lack of diligence and failing to adequately communicate with his clients, and conduct prejudicial to the administration of justice. The DRB required respondent to submit proof of fitness by a mental health professional approved by the OAE prior to reinstatement and supervision by a proctor for a period of two years following his reinstatement. Maureen G. Bauman appeared before the DRB for the OAE and David H. Dugan, III appeared for respondent. The respondent was previously disciplined: Admonished in 2006, reprimanded in 2007, censured in 2008, suspended for three months in 2009, and suspended for an additional three-month term in 2012.

Ronald L. Lueddeke - Admonished on March 25, 2015 (*Unreported*) for failing to file a complaint on behalf of a client until four years after accepting representation, constituting a lack of diligence, failure to keep his client informed, and failure to comply with his client's reasonable requests for information. Scott J. Basen represented District IX and respondent was pro se.

Edward A. MacDuffie, Jr. a/k/a E. Allen MacDuffie, Jr. – Suspended for three months on a certified record on March 26, 2015 (221 *N.J.* 209) for failure to abide by his client's decisions concerning the scope and objectives of the representation and consult with his client about the means to pursue them; failure to communicate with his client; and failure to safeguard the property of his client. Maureen G. Bauman represented the OAE. The respondent was previously disciplined: Reprimanded in

2008; reprimanded in 2010; and temporarily suspended in 2014.

Edward A. MacDuffie, Jr., a/k/a E. Allen MacDuffie, Jr. – Disbarred on a certified record on July 1, 2015 (222 *N.J.* 2) for violating *RPC* 1.1(a) (gross neglect), *RPC* 1.3 (lack of diligence), *RPC* 1.8 (a) (improper business transaction with a client), *RPC* 1.15 (a) (knowing misappropriation of client funds), *RPC* 8.1 (a) (knowingly make a false statement of material fact to a disciplinary authority), and *RPC* 8.4 (c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Maureen G. Bauman appeared before the Supreme Court for the OAE and respondent failed to appear. Respondent was previously disciplined: Reprimanded in 2008; reprimanded in 2010; temporarily suspended in 2014; and suspended for three months in 2015.

Jenel R. Marraccini - Reprimanded on June 2, 2015 (221 *N.J.* 487) on a motion for discipline by consent. Respondent filed pre-signed certifications in eviction actions, even after the death of the signer, such that those certifications were not reviewed prior to filing. Upon notice of the same, respondent withdrew all eviction actions containing improper certifications, resulting in an unnecessary effect on judicial resources. Respondent's conduct violated *RPC* 3.3(a) (candor toward the tribunal), *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation), and *RPC* 8.4(d) (conduct prejudicial to the administration of justice). Kristina D. Pasko handled the matter for District VB and respondent was represented by Marc D. Garfinkle.

Connie McGhee – Censured on May 20, 2015 (221 *N.J.* 439) for gross neglect, lack of diligence, failure to communicate with a client, and failure to keep client reasonably informed about the status of a wrongful death claim. Richard Bernstein represented District VA and John McGill, III represented respondent.

Michael A. McLaughlin, Sr. - Reprimanded on September 28, 2015 (223 *N.J.* 243) following his guilty plea in Morris County Superior Court to operating a motor vehicle while his license was suspended for driving while intoxicated, contrary to N.J.S.A. 2C:40-26(b). Hillary Horton represented the OAE on a motion for final discipline and respondent was pro se. The respondent was previously disciplined: Reprimanded in 2004.

William T. Meadows – Disbarred by consent on March 23, 2015 (221 *N.J.* 63) for the knowing misappropriation of client funds. Melissa A. Czartoryski represented the OAE and Ross M. Gigliotti, represented respondent. The respondent was previously disciplined: Temporarily suspended in 2014.

Spiro T. Michals – Reprimanded on February 27, 2015 (___*N.J.* ___) for violating *RPC 1.15(d)* and Rule 1:21-6 by issuing trust account checks to himself or others for personal or business expenses after being previously disciplined for this same conduct. Michael J. Sweeney represented the OAE and the respondent represented himself on a Motion for Discipline by Consent. The respondent was previously disciplined: Admonished in 2005.

Hugo L. Moras - Suspended for one year on two certified records on February 2, 2015 (220 *N.J.* 351) for violating *RPC* 1.1(a) (gross neglect), *RPC* 1.3 (lack of diligence), *RPC* 3.3(a)(1) (false statement of material fact to a tribunal), and *RPC* 8.1(b) (failure to cooperate with disciplinary authorities). Cynthia T. McCoy represented District VB and respondent was pro se. The respondent was previously disciplined: Six-month suspension in 1993, reprimand in 1997, reprimand in 2005, and three-month suspension in 2013.

Mitchell L. Mullen - Admonished on January 16, 2015 (*Unreported*) for communicating directly with a party represented by counsel on two occasions. Joseph M. Moran represented District IV and Richard F. Klineburger, III represented respondent.

John M. Murray - Reprimanded on May 6, 2015 (221 *N.J.* 299) for behaving discourteously towards a judge and repeatedly trying to avoid court appointments and pro bono work in Delaware, in violation of *RPC* 3.2 (engaging in conduct intended to disrupt a tribunal and engaging in undignified and discourteous conduct that is degrading to a tribunal), *RPC* 6.2 (seeking to avoid appointment by a court without good cause), and *RPC* 8.4(d) (conduct prejudicial to the administration of justice). Hillary Horton represented the OAE on a motion for reciprocal discipline and respondent was pro se.

George Otlowski - Censured on January 15, 2015 (220 *N.J.* 217) for making a false statement of material fact in connection with a disciplinary matter and conduct involving dishonesty, fraud, deceit or misrepresentation. Christina Blunda Kennedy appeared before the DRB for the OAE and Thomas Quinn appeared on behalf of respondent.

Marc Z. Palfy - Suspended for three months on a certified record on March 26, 2015 (221 *N.J.* 208) for failing to file an affidavit of compliance as required by R. 1:20-20, and in violation of *RPC* 8.1(b) (failure to cooperate with disciplinary authorities), and *RPC* 8.4(d) (conduct prejudicial to the administration of justice). Hillary Horton represented the OAE before the DRB and respondent defaulted. The respondent was previously disciplined: Temporarily suspended three times in 2012

for failure to comply with Court orders and censured in 2014.

John J. Palitto, Jr. – Reprimanded on March 31, 2015 (221 *N.J.* 256) for failure to promptly disburse client funds, commingling, recordkeeping violations, and initially failing to cooperate with disciplinary authorities. This matter originated in the Random Audit Program. Melissa A. Czartoryski appeared before the DRB for the OAE and respondent appeared pro se. The respondent was previously disciplined: Temporarily suspended in 2013.

Adam S. Pribula - Censured on May 20, 2015 (221 *N.J.* 440) for violating *RPC* 1.1 (a) (gross neglect), *RPC* 1.3 (lack of diligence), *RPC* 1.4 (b) (failure to communicate with client), *RPC* 1.5 (b) (failure to memorialize the rate or basis of the fee), *RPC* 1.16 (a) (failure to terminate the representation), *RPC* 3.2 (failure to expedite litigation), *RPC* 8.4 (b) (failure to cooperate with disciplinary authorities), and *RPC* 8.4 (d) (engaging in conduct that is prejudicial to the administration of justice). Adam G. Brief represented District XA and respondent was pro-se.

Ksenia V. Proskurchenko - Censured on a certified record on October 14, 2015 (223 *N.J.* 267) for violating *RPC* 1.1(a) (gross neglect), *RPC* 1.3 (lack of diligence), *RPC* 1.4(b) (failure to communicate with client), *RPC* 1.16(d) (failure to refund unearned fee on termination of the representation), and *RPC* 8.1(b) (failure to cooperate with disciplinary authorities. HoeChin Kim represented the OAE before the Supreme Court, and respondent was represented by Warren J. Martin, Jr.

Howard R. Rabin – Reprimanded on October 22, 2015 (223 *N.J.* 291) for violating *RPC* 8.4(c) (conduct involving misrepresentation) in respect to draft surety bonds. Isabel K. McGinty represented the OAE on a motion for discipline by consent, and David H. Dugan, III represented the respondent.

Joseph Rakofsky - Censured on November 4, 2015 (223 *N.J.* 349) for failure to communicate his fee in writing, making false or misleading statements about his qualifications, and a letterhead violation. Missy Urban represented the OAE at the hearing stage, Hillary Horton represented the OAE before the DRB, and Thomas J. Smith, III represented respondent.

Bruce M. Resnick – Reprimanded on February 27, 2015 (220 *N.J.* 579) for lack of diligence, failure to communicate, failure to memorialize the rate or basis of the fee, failure to promptly disburse funds to the party entitled to receive them, and for recordkeeping violations. Maureen G. Bauman represented the OAE and respondent was pro se on a motion for discipline by consent granted by the DRB.

Richard P. Rinaldo – Censured on October 15, 2015 (223 *N.J.* 287) for exhibiting gross neglect, lack of diligence, failing to communicate with the client and improperly terminating his representation of a client in a personal injury matter. Without the knowledge and consent of his client, respondent sent a Substitution of Attorney to another attorney, who did not sign it. Upon sending the Substitution to the other attorney, respondent ceased working on the client's case, resulting in her case being dismissed with prejudice. Christina Blunda Kennedy appeared before the Supreme Court and Edward J. Kologi appeared for respondent.

Maria J. Rivero - Suspended for three months on September 10, 2015, effective October 9, 2015 (222 *N.J.* 573) for violating *RPC* 1.2(d) (counseling or assisting a client in conduct the lawyer knows is illegal, criminal, or fraudulent), *RPC* 1.3 (lack of diligence), *RPC* 1.7(a) (conflict of interest), *RPC* 1.5(b) (failure to set forth, in writing, the basis or rate of the fee), *RPC* 1.15(a) and (b) (failure to safeguard funds), and *RPC* 8.4(c) (conduct involving fraud, deceit or misrepresentation). Timothy J. McNamara represented the Office of Attorney Ethics and Mark M. Tallmadge represented respondent.

Spencer B. Robbins - Admonished on February 25, 2015 (*Unreported*) for failing to respond to the ethics investigator's repeated requests for information. Carlos Diaz-Cobo represented District VIII and the respondent was pro se. The respondent was previously disciplined: Admonished in 2004.

Richard M. Roberts - Suspended for three months on November 4, 2015, effective December 4, 2015, (223 *N.J.* 347) for violating *RPC* 1.16(d) (failure to return unearned fee retainer on termination of the representation) and *RPC* 8.1(b) (failure to reply to a lawful demand for information from a disciplinary authority). Thomas S. Cosma represented District VA and respondent was represented by Robert J. Brass.

Cheri S. Williams Robinson - Reprimanded on a certified record on October 21, 2015 (223 *N.J.* 289) for violating *RPC* 1.1(a) (gross neglect), *RPC* 1.3 (lack of diligence), *RPC* 1.4(b) (failure to communicate with client), and *RPC* 8.1(b) (failure to cooperate with disciplinary authorities) in a mortgage foreclosure action. Michael J. Silvanio represented District IV and respondent was pro se.

Michael A. Rowek - Suspended for one year on January 30, 2015 (220 *N.J.* 348) following his guilty plea in New Jersey Superior Court to one count each of third-degree

unlawful possession of a prescription legend drug (Vicodin), contrary to N.J.S.A. 2C:35-10a(3); third-degree unlawful possession of a controlled dangerous substance (GBL), contrary to N.J.S.A. 2C:35-10a(1); third-degree unlawful possession of a controlled dangerous substance (Percocet), contrary to N.J.S.A. 2C:35-10a(1); fourth-degree possession of a device to defraud the administration of a drug test, contrary to N.J.S.A. 2C:36-10e; and driving while under the influence (GBL), contrary to N.J.S.A. 39:4-50. Hillary Horton represented the OAE on a motion for final discipline and David H. Dugan, III represented respondent.

Daniel Roy – Reprimanded on July 2, 2015 (222 *N.J.* 361) for engaging in conduct involving violations of *RPC* 1.1(a) (gross neglect), *RPC* 1.3 (lack of diligence), and *RPC* 1.7(a)(2) (conflict of interest). Jason D. Saunders handled the matter for the Office of Attorney Ethics and respondent was pro se.

Mark Ruffolo – Reprimanded on February 3, 2015 (220 *N.J.* 353) for violating *RPC* 1.1(a) (gross neglect), *RPC* 1.3 (lack of diligence), *RPC* 1.4(b) and (c) (failure to communicate with the client), and *RPC* 8.4(c) (conduct that involves dishonesty, deceit or misrepresentation). Steven P. Ross represented District IIA on the motion for discipline by consent and respondent was pro se.

Lawrence B. Sachs – Reprimanded on September 28, 2015 (223 *N.J.* 241). Respondent's conduct violated *RPC* 1.4(b). *RPC* 1.3, and *RPC* 1.1(a) in connection with a real estate transaction. Jason D. Saunders handled the matter for the OAE and respondent was pro se. The respondent was previously disciplined: Reprimanded in 2009.

Elaine T. Saint-Cyr - Suspended for two years on a certified record on July 2, 2015 (222 *N.J.* 6) for violating *RPC* 8.1(b) (failure to cooperate with disciplinary authorities) and *RPC* 8.4(d) (conduct prejudicial to the administration of justice). Timothy J. McNamara represented the Office of Attorney Ethics and respondent did not appear. The respondent was previously disciplined: Temporarily suspended in 2010; censured and suspended for two years in 2012.

Steven H. Salami – Admonished on May 27, 2015 *(Unreported)* for his conduct while representing a client in a litigation matter. Specifically, respondent obtained an order permitting his client to file an answer within a specified time period. Although respondent submitted the answer timely, he failed to enclose the proper filing fee. He then submitted the correct fee, but did not do so timely and the answer was rejected. Despite his knowledge that the answer had been rejected, he did not file a motion or contact the court seeking relief, in violation of *RPC* 1.1(a), 1.3 and 8.4(a). Marcy Mackolin represented the District IX Ethics Committee and Marta Natasza Kozlowska represented respondent.

Eric Salzman - Admonished on May 27, 2015 (*Unreported*) for several recordkeeping violations including failure to maintain trust or business receipts journals or client ledger cards, making disbursements from the trust account against uncollected funds, making cash withdrawals from the trust account, failing to properly designate the trust account, and failing to maintain a business account. Jason D. Saunders represented the OAE and Frederick D. Miceli represented respondent. This matter was discovered as a result of the Trust Overdraft Notification Program.

Steven E. Savage - Suspended for two years on three certified records on April 29, 2015 (221 *N.J.* 295) for numerous violations in three separate matters, including *RPC* 1.1(a) (gross neglect), *RPC* 1.3 (lack of diligence), *RPC* 1.4(b) (failure to keep a client reasonably informed about the status of a matter or to promptly comply with reasonable requests for information), *RPC* 1.5(b) (failure to provide a client with a writing setting forth the basis or rate of the fee), *RPC* 1.15(a) (failure to hold property of a client in connection with a representation separate from the lawyer's own property), *RPC* 1.15(d) (recordkeeping violations), *RPC* 5.5(a)(1) (practicing while ineligible), and *RPC* 8.1(b) (failure to cooperate with disciplinary authorities). Pursuant to *In re Kivler*, 193 *N.J.* 332 (2008), the Court enhanced the DRB-recommended sanction of a one-year suspension to a two-year suspension for respondent's unexcused failure to comply with the Court's Order to Show Cause. HoeChin Kim represented the OAE before the Supreme Court, and respondent failed to appear. Respondent was previously disciplined: Suspended for three months in 2013.

Robert S. Seguin - Disbarred by consent on January 6, 2015 (220 *N.J.* 187) for knowing misappropriation of client funds from his attorney trust account. HoeChin Kim represented the OAE and James M. Curran represented respondent. This matter was discovered solely as a result of the Random Audit Program.

Michael R. Senick - Disbarred by consent on November 19, 2015 (223 *N.J.* 344) following his conviction in the United States District Court for the District of New Jersey of one count of bank fraud, contrary to 18 U.S.C. §1344, and his conviction in the Superior Court of New Jersey, Essex County, of one charge of applying or disposing of property entrusted to respondent in a manner he knew was unlawful and involved a substantial risk of loss or detriment to the owner, contrary to N.J.S.A. 2C:21-15. Michael J. Sweeney represented the OAE and Salvatore R. Alfano represented respondent.

Joel F. Shapiro - Reprimanded on January 15, 2015, (220 *N.J.* 216) for violating *RPC* 1.3 (lack of diligence) and *RPC* 1.4(b) (failure to communicate with the client). Respondent was previously reprimanded in 2001 and admonished in 1997. Michael J. Rogers represented District XIII and respondent was pro-se. Respondent was previously disciplined: Admonished in 1997 and reprimanded in 2001.

Pauline E. Sica - Suspended for one year on July 15, 2015, effective March 12, 2014 (222 *N.J.* 23) for violating *RPC* 8.4(b) (commission of a criminal act), *RPC* 8.4(c) conduct involving dishonesty, fraud, deceit or misrepresentation, and *RPC* 8.4 (d) (conduct prejudicial to the administration of justice). Jason D. Saunders represented the OAE and respondent defaulted. Respondent was previously temporarily suspended for failing to cooperate with the OAE in 2014.

A.B. Steig a/k/a A. Bret Steig - Disbarred by consent on July 9, 2015 (222 *N.J.* 20), respondent acknowledged that he was aware that the OAE had two pending investigations against him pertaining to the knowing misappropriation of client trust funds, and that if he went to a hearing on those matters, he could not successfully defend himself against those charges. Timothy J. McNamara represented the OAE and Marc. D. Garfinkle represented respondent. The respondent was previously disciplined: Admonished in 2011 and 2013.

Neil Sternstein - Admonished by consent on December 16, 2015 *(Unreported)* for failing to inform a client of receipt of his settlement funds and for failing to deposit those funds into his Attorney Trust Account. Christina Blunda Kennedy appeared before the DRB for the OAE and respondent appeared pro se. The respondent was previously disciplined: Suspended for three months in 1995 and suspended for two years in 1995.

Arthur E. Swidler - Suspended indefinitely on a certified record, effective immediately (221 *N.J.* 62) for violations of *RPC* 8.1(b) (failure to reply to a lawful demand for information from a disciplinary authority), and *RPC* 8.4(d) (conduct prejudicial to the administration of justice), until respondent can provide proof of his compliance with R. 1:20-20. Hillary Horton argued the case before the Supreme Court and respondent failed to appear on the Order to Show Cause. The respondent was previously disciplined: Reprimanded in 2007; temporarily suspended for less than a month in 2009; suspended for three months in 2010; suspended for six months in 2011; and suspended for three months in 2012.

Joseph J. Talafous, Jr. – Disbarred by consent on July 13, 2015 (222 *N.J.* 127) for knowingly misappropriating client funds to be held in trust for a minor, as well as funds belonging to an estate, and other unethical conduct. Isabel McGinty represented the OAE and John McGill, III represented respondent. Respondent was previously disciplined: Temporarily suspended in 2015.

Herbert J. Tan - Suspended for one year on March 12, 2015 (220 *N.J.* 587) for violating *RPC* 1.4(c) (failure to explain a matter to the extent reasonably necessary to allow the client to make informed decisions about the representation), *RPC* 1.7(a)(2) (conflict of interest), *RPC* 1.8(a) (business transaction with client), *RPC* 1.15(d) (recordkeeping deficiencies), and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Susan S. Singer appeared for District VA before the DRB, and respondent failed to appear. The respondent was previously disciplined: Reprimanded in 2006 and 2010, censured in 2011, and reprimanded in 2014.

Thomas J. Tarigo - Admonished *(Unreported)* on September 28, 2015 for gross neglect and filing frivolous pleadings in numerous immigration matters before the Ninth Circuit. Hillary Horton represented the OAE on a motion for reciprocal discipline and respondent appeared pro se.

Jacquelyn Todaro - Disbarred by consent on April 28, 2015 (221 *N.J.* 292) following her guilty plea in the United States District Court, Southern District of New York to count one of an Indictment charging conspiracy to commit bank fraud and wire fraud, in violation of 18 U.S.C. § 1349. Hillary Horton represented the OAE on a motion for disbarment by consent and Nancy J. Dreeben represented respondent.

Frederick J. Todd –Disbarred by consent on July 21, 2015 (222 *N.J.* 33). Respondent was found guilty in the U.S. District Court for the District of New Jersey to conspiracy to commit wire fraud, in violation of 18 U.S.C. § 1349 and to transacting in criminal proceeds in violation of 18 U.S.C. § 1957 in violation of *RPC* 8.4(b). Respondent's criminal conduct involved the knowing misappropriation of entrusted funds in violation of *RPC* 1.15(a). Respondent was disciplined by the Supreme Court pursuant to *RPC* 8.5(a) as respondent was not a licensed New Jersey attorney. Jason D. Saunders appeared on behalf of the OAE and Stacy Ann Biancamano represented respondent.

William J. Torre – Suspended for one year on December 16, 2015 (223 *N.J.* 538) for engaging in a conflict of interest by borrowing money from a client and not advising his client in writing beforehand that it was desirable to seek independent legal advice about the transaction. The Court noted that the conflict in this case resulted in substantial harm to a vulnerable, elderly victim

and the discipline imposed is meant to provide notice to attorneys that serious consequences will result from this form of misconduct. Maureen G. Bauman represented the OAE and Raymond F. Flood represented respondent.

David A. Vesel - Disbarred by consent on November 17, 2015 (223 *N.J.* 351) for embezzling thousands of dollars in entrusted client funds in North Carolina. Steven J. Zweig represented the OAE and F. Hill Allen represented respondent.

Robert M. Vreeland – Censured on a certified record on March 24, 2015 (221 *N.J.* 206) in a default matter for failure to comply with the New Jersey Supreme Court's Order requiring him to file an affidavit of compliance with R.1:20-20, following his April 23, 2012 temporary suspension from the practice of law. The Court further ordered that the respondent remain suspended pursuant to the Order filed March 22, 2012 and pending his compliance with a fee arbitration determination and payment of the $500 sanction. Melissa A. Czartoryski handled the matter for the OAE. The respondent was previously disciplined: Temporarily suspended in 2012.

Anita Lang Walch - Suspended for six months effective May 21, 2015 (221 *N.J.* 480) for gross neglect, pattern of neglect, failure to keep clients reasonably informed about the status of the matter, and conduct involving dishonesty, fraud, deceit or misrepresentation in several bankruptcy matters. Christina Blunda Kennedy appeared before the DRB for the OAE and respondent waived appearance. The respondent was previously disciplined: Admonished in 1998 and temporarily suspended in 2012.

Michael J. Weber – Admonished on June 4, 2015 *(Unreported)* for not reconciling his trust account, having inactive balances in his trust account, and other recordkeeping violations. Maureen G. Bauman represented the OAE and Robyn M. Hill represented respondent. This matter was discovered as a result of the Trust Overdraft Notification Program.

Walter N. Wilson – Admonished on November 24, 2015 *(Unreported)* for never advising his client that, in his opinion, his appeal of the rollback taxes he had been assessed as a result of failing to file his yearly farmland assessment form would have been futile. Instead, he led the client to believe that he was pursuing an appeal in the tax court when he had filed no such appeal, in violation of *RPC* 1.1(a) and *RPC* 1.3. Richard A. Gantner represented the District XIII Ethics Committee and respondent was pro se. The respondent was previously disciplined: Temporarily suspended in 2015.

Katrina Wright – Censured on a certified record on July 16, 2015 (222 *N.J.* 27) for violating *RPC* 1.3 (lack of diligence), *RPC* 1.4(b) (failure to communicate with client), *RPC* 1.16(d) (failure to surrender papers and property to a client and to refund all or part of an unearned retainer), and *RPC* 8.1(b) (failure to comply with a lawful demand for information from a disciplinary authority). Stephanie Shreter, Esq., handled the matter for the District IIIB Ethics Committee and respondent was pro se. The respondent was previously disciplined: Reprimanded in 2008.

Christopher L. Yannon - Reprimanded on February 26, 2015 (220 *N.J.* 581) for failure to enter into a written retainer agreement with a client. Melissa A. Czartoryski represented the OAE on a motion for discipline by consent and respondent was pro se. The respondent was previously disciplined: Suspended for one year in 2013.

V. OTHER RELATED ACTIONS

The attorney disciplinary system also handles a significant number of other related actions involving New Jersey attorneys. During 2015, a total of 129 such actions were undertaken, including: transfers to disability-inactive status; Bar Admission cases alleging cheating; prosecutions for contempt of a Supreme Court Order to cease practicing law by suspended or disbarred lawyers; diversionary actions by which attorneys who commit "minor unethical conduct" may avoid discipline if they complete specific conditions; reinstatement proceedings where suspended attorneys seek to again practice law; and matters where disciplined lawyers are monitored for a period of time after discipline is imposed.

A. DISABILITY-INACTIVE STATUS

Disability-Inactive Status is imposed by the Supreme Court where an attorney lacks the mental or physical capacity to practice law. *R. 1:20-12*. While often imposed in conjunction with an attorney disciplinary investigation or prosecution, this status is, by itself, non-disciplinary in nature. During 2015, a total of five (5) attorneys were the subject of a disability-inactive Order. This represents an increase from 2014 when two (2) attorneys were so transferred. Prior years' results were: 2013 – 6; 2012 – 2; and 2011 – 4. During this 5-year period, an average of 3.8 lawyers per year was placed into disability-inactive status.

B. CONTEMPT

Prosecutions for contempt of Supreme Court orders under *R. 1:20-16(j)* is another category of cases entrusted to the OAE. These actions involve the improper, continued practice of law by suspended and disbarred attorneys. The OAE may file and prosecute an action for contempt before the Assignment Judge of the vicinage where the respondent engaged in the prohibited practice of law. It also has the authority to file disciplinary complaints against offending attorneys seeking sanctions for their violations. There were no prosecutions for contempt of Supreme Court orders in 2015.

C. DIVERSIONS

The diversionary program allows attorneys who have committed "minor unethical conduct" to be diverted from the disciplinary system. "Minor unethical conduct" is behavior that would likely warrant no more than an admonition (the least serious sanction) if the matter proceeded to a hearing. Determinations to divert matters of minor unethical conduct are made only by the Director, OAE. A grievant is given ten days' notice to comment prior to the OAE Director's final decision to divert the case, but a grievant cannot appeal the Director's diversion decision.

Diversion may take place only if the attorney acknowledges a mistake and agrees to take remedial steps (sometimes beneficial to the grievant) to assure future compliance with the Rules. The primary purpose of diversion is education and the productive resolution of disputes between clients and attorneys outside of the disciplinary process. It permits the disciplinary system to focus resources on more serious cases. Diversion conditions

generally do not exceed a period of six months. If successfully completed, the underlying grievance is dismissed with no record of discipline. If diversion is unsuccessful, a disciplinary complaint is filed and prosecuted.

During calendar year 2015, a total of 60 requests for diversion were received by the OAE: none were declined. By the end of the year, 65 diversions were successfully completed and 25 were still pending from 2015 and prior years. Occasionally, some respondents agree to diversion and then fail to complete the agreed conditions. This year, three (3) respondents failed diversion. These matters were returned to the district committee for the filing of a formal complaint. In 2014, 51 diversions were approved (51 requests and no rejections). During the last five years, an average of 64 diversions was approved. The most common diversion offenses for 2015 were: money-other (13); money – recordkeeping (12); and Fee - Non-Compliance with Rules (7).

The most popular condition imposed in diversion cases required the attorney to complete the New Jersey State Bar Association's Ethics Diversionary Education Course (56). Other required conditions included: completion of a course in New Jersey Trust and Business Accounting (31); letter of apology (1); prompt completion of underlying case responsibilities (1); and medical treatment (1). Last year, attendance at the Bar Association's Diversionary Course was also the primary remedial condition (38).

D. REINSTATEMENT PROCEEDINGS

A suspended attorney may not practice again until the attorney first files a reinstatement application, and the Supreme Court grants the request by order. The application is reviewed by the OAE, the Review Board and the Supreme Court. There is no procedure for a disbarred attorney to apply for reinstatement since disbarment is permanent. *In re Wilson,* 81 *N.J.* 451, 456 n.5 (1979) and *R. 1:20-15A(a)(1).* Where the attorney is suspended for over six months, a reinstatement petition may not be made until after expiration of the time period provided in the suspension Order. *R. 1:20-21(a).* Where the suspension is for six months or less, the attorney may file a petition and publish the required public notice 40 days prior to the suspension period. *R. 1:20-21(b).* The Supreme Court reinstated twenty-one (21) attorneys in 2015, which was 75% more than in 2014.

E. MONITORED ATTORNEYS

The Supreme Court imposes monitoring conditions on some attorneys either in connection with interim or final sanctions imposed in disciplinary proceedings or as a result of previous reinstatement proceedings. There are several types of practice conditions. A proctorship is imposed on those attorneys who need intensive guidance and oversight by a seasoned practitioner. *Rule 1:20-18* imposes specific reporting responsibilities on both the respondent and the proctor, including weekly conferences, the maintenance of time records and instructions regarding proper financial recordkeeping. Another typical condition is the submission of an annual or quarterly audit report covering attorney trust and business records. Sometimes random periodic drug testing at the attorney's expense is imposed. Finally, some attorneys are required to take ethics or substantive law courses. As of December 31, 2015, forty-three (43) attorneys were subject to monitoring.

VI. DISCIPLINARY STRUCTURE

The attorney disciplinary system consists of three levels: 1) the Office of Attorney Ethics and District Ethics Committees, 2) the Disciplinary Review Board and 3) the Supreme Court of New Jersey.

Attorney Discipline System

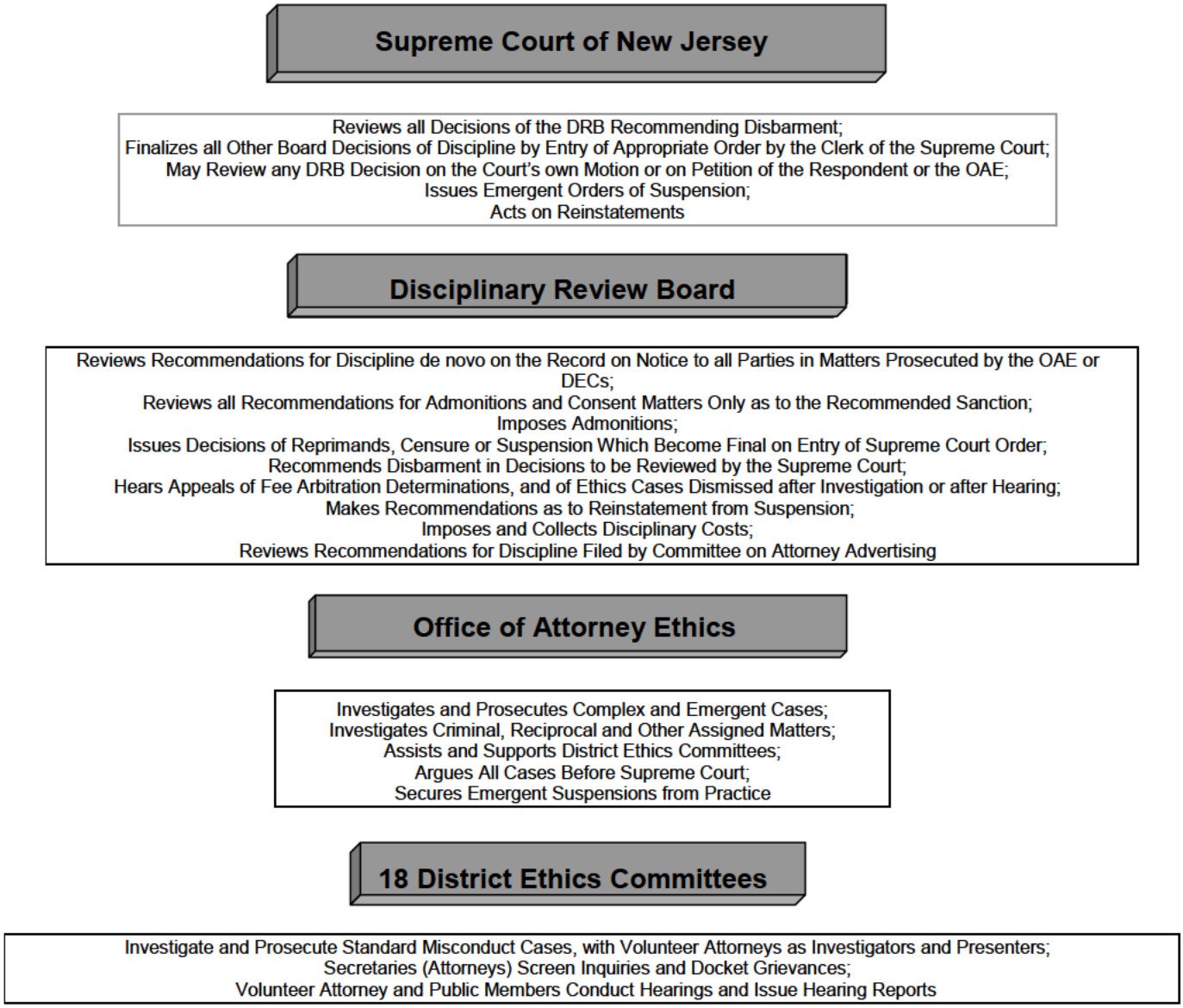

Figure 7

A. DISTRICT ETHICS COMMITTEES (DECs)

The first level consists of 18 regionalized volunteer District Ethics Committees (DECs), with the OAE providing support and guidance, in accord with Court Rules. The DECs are generally established along single or multiple county lines.

1. Members and Officers of the DECs

The DECs consist of volunteer members who investigate, prosecute and decide disciplinary matters. As of September 1, 2015, there were 544 volunteers (451 attorneys and 93 public members) serving *pro bono* across the state. The DEC leadership consists of three officers (all attorneys): a chair, who serves as the chief executive officer responsible for all investigations; a vice chair, who is responsible for all cases in the hearing stage; and a secretary, who is not a member of the DEC and who serves as the administrator of that DEC. The secretary receives and screens all inquiries and grievances. The secretary functions as the DEC's link to the public, fielding all calls from members of the public and the Bar and providing information about the grievance and disciplinary process. While secretaries receive an annual emolument to defray the expenses related to their duties, they are nonetheless volunteers, as are all of the members of the DECs.

2015-2016 District Ethics Committee Officers

CHAIR	VICE CHAIR	SECRETARY
District I - Atlantic, Cape May, Cumberland and Salem Counties		
David S. DeWeese, Esq.	Carl N. Tripician, Esq.	Jacqueline Hawkins Stiles, Esq.
District IIA – Bergen – North		
William I. Strasser, Esq.	Evelyn R. Storch, Esq.	Nina C. Remson, Esq.
District IIB - Bergen County – South		
Eileen P. Mulroy, Esq.	Bong June Kim, Esq.	Nina C. Remson, Esq.
District IIIA - Ocean County		
Jerome Turnbach, Esq.	Linda Rehrer, Esq.	Steven Secare, Esq.
District IIIB - Burlington County		
James J. Morley, J.S.C. (Retired)	Swati M. Kothari, Esq.	Cynthia S. Earl, Esq.
District IV - Camden and Gloucester Counties		
William A. Nash, Esq.	Christopher L. Soriano, Esq.	John M. Palm, Esq.
District VA - Essex County – Newark		
Frank J. DeAngelis, Esq.	David M. Dugan, Esq.	Natalie S. Watson, Esq.
District VB - Essex County - Suburban Essex		
Kelly M. Mattheiss, Esq.	Kevin C. Orr, Esq.	Paula I. Getty, Esq.
District VC - Essex County - West Essex		
Martin Bearg, Esq.	Joshua David Sanders, Esq.	Jay M. Silberner, Esq.
District VI - Hudson County		
Ilene S. Miklos, Esq.	Christine Fitzgerald, Esq.	Jack Jay Wind, Esq.
District VII - Mercer County		
Peter F. Kelly, Esq.	Andrea Dobin, Esq.	David A. Clark, Esq.
District VIII - Middlesex County		
Willard C. Shih, Esq.	Howard Duff, Esq.	Barry J. Muller, Esq.
District IX - Monmouth County		
Bunce D. Atkinson, Esq.	Mark B. Watson, Esq.	Joseph M. Casello, Esq.

District XA – East Morris and Sussex Counties		
Helen E. Tuttle, Esq.	Diana C. Manning, Esq.	Caroline Record, Esq.
District XB – West Morris and Sussex Counties		
Catherine Riordan, Esq.	H. Lockwood Miller, III, Esq.	Caroline Record, Esq.
District XI - Passaic County		
Deborah Jean Massaro, Esq.	Carmen Elsa Cortes-Sykes, Esq.	Michael Pasquale, Esq.
District XII - Union County		
Michael Margello, Esq.	Glen J. Vida, Esq.	Michael F. Brandman, Esq.
District XIII - Hunterdon, Somerset and Warren Counties		
Timothy P. McKeown, Esq.	Lisa M. Fittipaldi, Esq.	Donna P. Legband, Esq.

Figure 8

2. *Investigations*
Attorney members are assigned to investigate and, if necessary, prosecute grievances docketed with a DEC.

3. *Complaints*
Formal complaints are filed only where the DEC chair determines that there is a reasonable prospect of proving charges against the attorney-respondent by clear and convincing evidence.

4. *Hearing Panels*
Three-member hearing panels comprised of two attorneys and one public member of a DEC decide cases after formal complaints have been filed.

5. *Office of Attorney Ethics*
The OAE is responsible for overseeing the operations of all DECs. The OAE also separately investigates and prosecutes serious, complex and emergent matters statewide, as discussed more fully in the "Office of Attorney Ethics" section below.

B. DISCIPLINARY REVIEW BOARD

The second level of the disciplinary system involves the Disciplinary Review Board (Review Board), which is the intermediate appellate tribunal in disciplinary matters. It is usually composed of nine members. Five are lawyers (Chair Bonnie C. Frost, Esq., Vice Chair Edna Y. Baugh, Esq., Peter J. Boyer, Esq., Bruce W. Clark, Esq. and Anne C. Singer, Esq.), one is a retired Assignment Judge (Hon. Maurice J. Gallipoli) and three are public members (Mr. Robert C. Zmirich, Mr. Thomas J. Hoberman and Ms. Eileen Rivera). All Review Board members volunteer their time to the system. The Review Board meets monthly (except August and December) in public session at the Richard J. Hughes Justice Complex, Trenton, to hear oral arguments on recommendations for discipline.

The Review Board's primary responsibility is to review reports by hearing panels and special ethics masters finding unethical conduct and recommending discipline, and to decide OAE motions for final or reciprocal discipline. If a matter comes to it on a recommendation for admonition, the Review Board may issue a written letter of admonition without scheduling oral argument. Matters in which the recommended discipline is a reprimand, censure, suspension or disbarment are routinely scheduled for oral argument. The respondent may appear in person or by counsel. The presenter of an

Ethics Committee or OAE ethics counsel appears to prosecute the matter. If the Review Board determines that a reprimand or greater discipline should be imposed, its written decision is reviewed by the Supreme Court, which then issues the final Order imposing discipline.

The Review Board also decides other matters, including appeals from dismissals after investigation or hearing and appeals of fee arbitration determinations. It also acts on requests by suspended attorneys to be reinstated to practice. Here, the Review Board's recommendation goes to the Supreme Court to either grant or deny reinstatement.

OAE ethics counsel appeared before the Review Board during 2015 to argue a total of 43 separate matters. The Review Board's review is *de novo* on the existing record and no testimony is taken.

C. SUPREME COURT OF NEW JERSEY

The Supreme Court of New Jersey is the third and highest level of the disciplinary system. Under the State Constitution, the Supreme Court of New Jersey has exclusive authority over the regulation of the practice of law. *N.J. Const.* art. VI, Section II, ¶3. The Supreme Court sets the terms for admission to the practice of law and regulates the professional conduct of attorneys.

The Supreme Court is composed of the Chief Justice and six Associate Justices. Supreme Court Justices are appointed by the Governor and confirmed by the State Senate for an initial term of seven years. On reappointment, they are granted tenure until they reach the mandatory judicial retirement age of 70. The current Chief Justice, Stuart Rabner, was appointed to the Supreme Court in 2007. The other members of the Supreme Court are Justice Jaynee LaVecchia (appointed in 2000; tenured in 2007); Justice Barry T. Albin (appointed in 2002; tenured in 2009); Justice Anne M. Patterson (appointed in 2012); Justice Faustino J. Fernandez-Vina (appointed in 2014) and Justice Lee Solomon (appointed in 2014). There is currently one (1) vacancy on the Supreme Court, temporarily filled by Appellate Division Judge Mary Catherine Cuff.

The Supreme Court hears oral arguments in disciplinary matters at the Richard J. Hughes Justice Complex. Only the Supreme Court can order disbarment of an attorney. In all other matters, the decision of the Review Board becomes final on the entry of a confirmatory order by the Supreme Court, unless it grants a petition for review or issues an order to show cause on its own motion.

The OAE represents the public interest in all cases before the Supreme Court. During 2015, OAE ethics counsel appeared a total of 16 times for oral argument in disciplinary cases. Arguments are televised in real time via streaming video technology over the Internet. Arguments can be accessed from the Judiciary's Website at www.njcourtsonline.com by clicking on the WEB**CAST** icon.

D. FINANCING ATTORNEY DISCIPLINE

1. Annual Attorney Registration Fee

The attorney disciplinary system in New Jersey is funded exclusively from the Supreme Court's annual mandatory registration assessment on lawyers. No taxpayers' monies are used. The assessment constitutes dedicated funds earmarked exclusively for the attorney discipline and fee arbitration systems. *R.1:20-2(b)*. The annual billing also funds the Lawyers' Fund for Client Protection, *R.1:28-2* (which reimburses clients whose monies

have been taken by lawyers through dishonest conduct), as well as the Lawyers' Assistance Program (which helps lawyers with alcohol, substance abuse and other problems). For calendar year 2015, the total annual fee assessed for most lawyers (those admitted between 5 to 49 years) was $212. Of this amount, $148 was earmarked for attorney discipline, $50 for the Lawyers' Fund, $10 for Lawyers' Assistance and $4 for Continuing Legal Education.

2. Comparison to Other Jurisdictions

New Jersey attorneys pay among the lowest mandatory annual registration fees in the country. A July 1, 2015, survey prepared by the OAE for the National Organization of Bar Counsel, Inc., showed that New Jersey ranked 7th in attorney size (with 95,807 attorneys) out of 51 United States jurisdictions. The survey also demonstrated that the Garden State ranked 40th (at $212) in the amount of mandatory fees required to practice. For 2014, New Jersey ranked 6th in size and 45th in mandatory annual fees charged.

3. Disciplinary Oversight Committee

The Supreme Court established a Disciplinary Oversight Committee (Oversight Committee) and charged it with the responsibility to oversee the administration and financial management of the disciplinary system. *R. 1:20B*. One of its primary functions is to review annually the budgets proposed by the OAE and the Review Board and to make recommendations to the Supreme Court in that respect.

The Oversight Committee for 2015 consisted of six attorneys (Michael K. Furey, Esq., Chair, Paris P. Eliades, Esq., Hon. Nesle Rodriguez, Maureen E. Kerns, Esq., Hon. Joel Rosen and Debra Stone, Esq.) and five public members (Mr. Anthony J. Guacci, Vice Chair, Mr. Alonzo Brandon, Jr., Mr. Richard Sackin, Mr. Luis J. Martinez and Mr. Spencer V. Wissinger, III) all of whom serve *pro bono*.

The annual disciplinary budget for calendar year 2015 was $12,922,568. Fifty-eight percent (58%) was allocated to the OAE and 19% to the Review Board. The balance was apportioned as follows: District Ethics Committees (7%), Random Audit Program (8%), Attorney Registration Program (4%), District Fee Arbitration Committees (3%) and Oversight Committee (1%).

E. OFFICE OF ATTORNEY ETHICS

The Supreme Court created the OAE on October 19, 1983, as the investigative and prosecutorial arm of the Supreme Court in discharging its constitutional authority to supervise and discipline New Jersey attorneys. *N.J. Const.* art VI, Section II, ¶3.

The OAE has programmatic responsibility for 18 Ethics Committees, which investigate and prosecute grievances alleging unethical conduct against attorneys. It also administers 17 District Fee Arbitration Committees (Fee Committees), which hear and determine disputes over legal fees between attorneys and clients. Likewise, the OAE conducts the Random Audit Program (RAP), which undertakes random audits of private law firm trust and business accounts to ensure that mandatory trust recordkeeping practices are followed. The OAE also oversees the collection and analysis of Annual Attorney Registration Statement data, which provides demographic and private practice information about all New Jersey lawyers, including trust and business accounts.

Importantly, the OAE also is vested with exclusive investigative and prosecutorial jurisdiction in certain types of matters, such as emergent, complex or serious disciplinary cases, matters where an attorney has been criminally charged, cases where an attorney

is the subject of reciprocal discipline from another United States jurisdiction, matters involving allegations against a sitting Superior Court or Appellate Division judge concerning conduct while the judge was an attorney, multijurisdictional practice matters, charges against in-house counsel, cases where Ethics Committees have not resolved an investigation within a year and any case referred by the Review Board or the Supreme Court. *R. 1:20-2(b).*

1. OAE Legal Group

The Supreme Court appoints the OAE Director. On recommendation of the Director, the Supreme Court appoints other ethics counsel. The Director hires all other staff, subject to the approval of the Chief Justice. The OAE Legal Group consists of a Director, First Assistant, three Assistant Ethics Counsel and eight Deputy Ethics Counsel.

2. Administrative Group

The work of the OAE is ably supported by its Administrative Group. It includes the OAE Administrator, who is responsible for human resources, facilities management, budgeting and accounting services, attorney registration program, reception and public information. She is assisted by an Office Coordinator. Information technology consists of a manager and a network administrator.

3. Support Group

The OAE's Support Group for discipline consists of a legal assistant, secretarial and clerical positions. These positions support attorneys, investigators, auditors and administrative personnel. In addition to secretarial/support services, a number of these staff positions provide information to the public, attorneys and others; issue Certificates of Ethical Conduct; transcribe interviews and demand audits; computerize and update information on all disciplinary cases docketed statewide; enter the results of decisions by the Supreme Court and the Review Board into OAE systems; enter attorney registration data; support the Trust Overdraft Program and the approved trust depositories program; coordinate the use of special ethics masters; administer OAE pool vehicles; and perform bookkeeping functions, together with many other important tasks without which the statewide disciplinary system could not operate.

4. Complex Investigative Group

The OAE's Complex Investigative Group consists of forensic disciplinary auditors and disciplinary investigators, assisted by an investigative aide. William M. Ruskowski is the Chief of Investigations. He is assisted by Assistant Chief Jeanine E. Verdel and Assistant Chief Barbara Galati.

The Complex Investigative Group primarily conducts statewide investigations of complex, serious and emergent matters, reciprocal discipline and criminal and civil charges made against New Jersey lawyers. Cases often involve misappropriation of trust funds, unethical financial and fraudulent conduct, recidivist attorneys and related white-collar misconduct. The group also handles matters where the OAE seeks temporary suspensions of attorneys to protect the public and the Bar.

5. District Ethics Group

The OAE District Ethics Group (OAE's DEC Group) supports the efforts of the 18 volunteer Ethics Committees throughout the state. Assistant Ethics Counsel Isabel K. McGinty, who serves as the OAE's Statewide Ethics Coordinator, spearheads this group, with Deputy Statewide Ethics Coordinator William B. Ziff. Both are supported by an administrative assistant, a secretary, and a clerk/hearings administrator.

The responsibilities of the OAE's DEC Group are broad and include: recruitment of all volunteer members, including screening, appointment and replacement as necessary; conducting annual orientation training and conducting annual meetings of all officers; preparing the District Ethics Committee Manual; providing monthly computer listings of all pending cases to officers; and handling statewide general correspondence, including complaints about processing from grievants and respondents. The Group also assesses conflicts arising at the district level and transfers cases as necessary; continuously communicates with officers regarding committees' compliance with Supreme Court time goals; compiles and reviews monthly and quarterly exception reports from officers; periodically follows-up with volunteer investigators and hearing panel chairs, as necessary; and provides legal and procedural advice to the DEC volunteer members. The Group also prepares a quarterly DEC Newsletter to educate members; issues Certificates of Appreciation to outgoing members; drafts press releases for incoming and outgoing members; recommends policies necessary to secure goals set by the Supreme Court; and consults with the Director, OAE on an ongoing basis.

VII. ATTORNEY FEE ARBITRATION

A. HISTORY AND PURPOSE

The New Jersey Supreme Court has long recognized that disputes between clients and their attorneys are not always matters of ethics, but sometimes may involve other issues linked to the reasonableness of the fee charged by the attorney in relation to the overall services rendered by that attorney. To assist in the resolution of these fee disagreements, the Supreme Court established a fee arbitration system, which relies on the services of volunteers (attorneys and non-attorneys) serving on 17 District Fee Arbitration Committees (Fee Committees). These volunteers screen and adjudicate fee disputes between clients and attorneys over the reasonableness of the attorney's fee.

New Jersey's fee system requires that the attorney notify the client of the fee arbitration program's availability prior to bringing a lawsuit for the collection of fees. If the client chooses fee arbitration, the attorney must arbitrate the matter. For those matters that involve questions of ethics, in addition to the fee dispute, the ethics issues may still be addressed on the conclusion of the fee arbitration proceedings, and the OAE makes sure that both types of proceedings will proceed forward on a timely basis.

The fee arbitration system was established in New Jersey in 1978 as just the second mandatory statewide program in the country, behind Alaska. Fee arbitration offers clients and attorneys an inexpensive, fast and confidential method of resolving fee disagreements. Even today, New Jersey remains one of only a handful of states with a mandatory statewide fee arbitration program. Other such programs exist in Alaska, California, District of Columbia, Maine, New York, Montana, North Carolina, South Carolina and Wyoming.

B. ADMINISTRATION

The OAE administers the district fee arbitration system, pursuant to the Rules of the New Jersey Supreme Court. Assistant Ethics Counsel Isabel McGinty is the OAE's Statewide Fee Arbitration Coordinator. The OAE Fee Arbitration Unit was staffed during 2015 by an administrative assistant, with clerical support. The OAE Fee Arbitration Unit oversees recruitment of volunteers for the 17 District Fee Arbitration Committees and provides assistance to the district fee secretaries and to committees in all aspects of fee arbitration cases. As of the start of the term of service on September 1, 2015, there were 344 members of district committees (238 attorneys and 106 public members, in addition to the 17 district fee secretaries, all of whom are attorneys) serving *pro bono* across the state.

C. STRUCTURE

The fee arbitration process is a two-tiered system. The fee arbitration hearings are conducted before hearing panels of the 17 District Fee Arbitration Committees (**Figure 9**), with appeals heard before the Disciplinary Review Board of the Supreme Court.

2015-2016 District Fee Committee Officers

Figure 9

CHAIR	VICE CHAIR	SECRETARY
District I – Atlantic, Cape May, Cumberland and Salem Counties		
Sara Beth Johnson, Esq.	Stephen W. Barry, Esq.	Michael A. Pirolli, Esq.
District IIA – North Bergen County		
Bert Binder, Esq.	John W. McDermott, Esq.	Terrence J. Corriston, Esq.
District IIB – South Bergen County		
Joshua T. Buckner, Esq.	Laura A. Nunnink, Esq.	Michael J. Sprague, Esq.
District IIIA – Ocean County		
Marianna C. Pontoriero, Esq.	Eli L. Eytan, Esq.	Lisa E. Halpern, Esq.
District IIIB – Burlington County		
Joanne M. Ventura, Esq.	Jay B. Feldman, Esq.	Albert M. Afonso, Esq.
District IV – Camden and Gloucester Counties		
Patrick J. Madden, Esq.	William E. Haddix, Esq.	Daniel McCormack, Esq.
District VA – Essex County - Newark		
Elizabeth A. Kenny, Esq.	Remi L. Spencer, Esq.	Jodi Rosenberg, Esq.
District VB – Essex County – Suburban Essex		
Peter A. Greene, Esq.	Anthony Mazza, Esq.	Harvey S. Grossman, Esq.
District VC – Essex County – West Essex		
Rufino Fernandez, Jr., Esq.	Arthur G. Margeotes, Esq.	Peter J. Kurshan, Esq.
District VI – Hudson County		
Aurelio Vincintore, Esq.	Rosemarie Moyeno Matos, Esq.	Marvin R. Walden Jr., Esq.
District VII – Mercer County		
Raymond C. Staub, Esq.	Christine V. Bator, Esq.	William P. Isele, Esq.
District VIII – Middlesex County		
Deborah A. Rose, Esq.	Jay Holub, Esq.	William P. Isele, Esq.
District IX – Monmouth County		
Steven E. Nelson, Esq.	Robert W. O'Hagan, Esq.	Robert J. Saxton, Esq.
District X – Morris and Sussex Counties		
Christopher M. DiMuro, Esq.	Marita S. Erbeck, Esq.	Patricia L. Veres, Esq.
District XI – Passaic County		
Peter J. Lefkowitz, Esq.	Santiago D. Orozco, Esq.	Jane E. Salomon, Esq.
District XII – Union County		
Marianne Zembryski, Esq.	Christopher Struben, Esq.	Carol A. Jeney, Esq.
District XIII – Hunterdon, Somerset and Warren Counties		
Marc J. Friedman, Esq.	Robert F. Simon, Esq.	Olivier J. Kirmser, Esq.

1. Filing for Fee Arbitration

The process begins when a client submits a completed Attorney Fee Arbitration Request Form to the district fee secretary of the Fee Committee in a district where the attorney maintains an office. The client must submit the two-page form, along with the $50 filing fee, for the process formally to commence. Both the client and attorney are required to pay the $50 administrative filing fee.

The district secretary must determine whether the Fee Committee has jurisdiction to hear the fee dispute. For example, if the fee is disputed in a matter in which no attorney's services have been rendered for more than six years since the last date on which services were rendered, then the district secretary must decline jurisdiction. The district secretary may decline jurisdiction as a matter of discretion in cases where the total fee charged exceeds $100,000, excluding out-of-pocket expenses and disbursements. The categories of cases wherein the district secretary must or may decline jurisdiction are specified in *R.1:20A-2*.

After the district secretary dockets the case, the secretary will send the Attorney Fee Response Form to the attorney, who must return the completed form and the $50 filing fee within the time limit set by Court Rule. The attorney and the client both have the opportunity to submit any documentation and/or records relevant to the matter, including the attorney's bill, any written fee agreement, and any time records. If the attorney named by the client should allege that any other attorney or law firm should be liable for all or a part of the client's claim, the original attorney may take steps to have that attorney or firm joined in the proceedings, in accord with *R.1:20A-3(b)(2)*. Thereafter, the matter would be set down for a fee arbitration hearing.

2. Arbitration Hearings

In cases involving fees of $3,000 or more, the matter is typically heard before panels of at least three members, usually composed of two attorneys and one public member. Fee Committees have been composed of both attorneys and public members since April 1, 1979. If the total amount of the fee charged is less than $3,000, the hearing may be held before a single attorney member of the Fee Committee.

Hearings are scheduled on at least ten days' written notice. There is no discovery. All parties have the power of subpoena, however, subject to rules of relevancy and materiality. No stenographic or other transcript of the proceedings is maintained. The burden of proof in fee matters is on the attorney to prove, by a preponderance of the evidence, that the fee charged is reasonable.

Following the hearing, the panel or single arbitrator prepares a written arbitration determination, with a statement of reasons annexed, to be issued within thirty days. The Rules provide for the parties to receive the Arbitration Determination from the district secretary within thirty days of the conclusion of the hearing.

3. Appeals

The Court Rules allow a limited right of appeal to the Disciplinary Review Board, under *R. 1:20A-3(c)*. The limited grounds for appeal are:

1) failure of a member to be disqualified in accordance with *R. 1:12-1*;
2) substantial failure of the Fee Committee to comply with procedural requirements of the Court Rules or other substantial procedural unfairness that led to an unjust result;
3) actual fraud on the part of any member of the Fee Committee; and
4) palpable mistake of law by the Fee Committee, which led to an unjust result.

Either the attorney or the client may take an appeal within 21 days after receipt of the Fee Committee's written determination by filing a notice of appeal in the form prescribed by the Disciplinary Review Board. All appeals are reviewed by the Disciplinary Review Board on the record. Its decision is final. There is no right of appeal to the Supreme Court.

Following expiration of the time limit for filing the appeal, and unless the decision of the Fee Committee has been reversed on appeal by the Disciplinary Review Board, the decision of the Fee Committee in the form of the written Arbitration Determination becomes final and binding on the parties. *R.1:20A-2(a).*

D. ANNUAL CASELOAD

In 2015, Fee Committees handled a total of 1,649 matters, including new cases filed and those that reached a disposition during that year. The committees began the year with 635 cases pending from 2014. During the year, 1,014 new matters were added. **Figure 10.** A total of 1,126 cases were disposed of, leaving a balance of 523 matters pending at year's end. At the conclusion of 2015, the average number of cases pending before each of the 17 Fee Committees was 30.8 cases per district, but that number includes all matters, even those filed in late December.

The 1,014 new filings received in 2015 involved claims against roughly 1.6% of the active New Jersey attorney population (75,108). Some areas of practice (matrimonial, in particular) involve high billings for legal fees, following protracted litigation which may involve years of billings. Many such cases are filed as fee arbitration disputes per year.

Changes in Fee Disputes

Year	Filings	Change
2015	1,014	-15.1%
2014	1,194	13.8%
2013	1,049	17.2%
2012	895	-2.9%
2011	922	--

Figure 10

For a more nuanced view of what these numbers may indicate, the number of fee arbitration cases filed with the district committees each year (1,014 in 2015) may be compared with the hundreds of thousands of legal matters filed with the courts, and the hundreds of thousands of non-litigated matters (real estate, wills, business transactions and government agency matters, etc.) handled annually in other forums. The number of fee arbitration filings is a very small percentage of the total attorney-client transactions. This comparison supports the conclusion that clients sought fee arbitration of the attorneys' bills in a very small percentage of the total cases handled in the year by all New Jersey attorneys on their clients' behalf.

1. Financial Results

During 2015, District Fee Committees arbitrated matters involving a total of almost $12.9 million in legal fees this year, which represents a 2% decrease from the $13.1 million in legal fees handled during 2014. In addition, some cases are resolved by the attorneys themselves as of the time that the client commences the process, with no further action needed by the District Fee Committee.

Of the cases that proceeded to a hearing, Fee Committees conducted 564 hearings during 2015, involving more than $12.1 million in total attorneys' fees charged. In 37% of the cases (208 hearings), the hearing panels upheld the attorney fees in full. In the balance of 63% of the fee cases (348 hearings), the hearing panels reduced the attorney fees by a total of $2.1 million, which represents 26% of the total billings subject to reduction ($2.1 million out of the total of $8 million subject to reduction).

For an overview of the amounts at issues, the 348 cases in which the attorney fee was reduced by the hearing panel may be broken into the following categories:

$0 to $1,000 – 88 cases
$1,001 to $2,000 – 67 cases
$2,001 to $5,000 – 101 cases

$5,000 to $10,000 – 42 cases
$10,001 to $20,000 – 32 cases
$20,001 to $50,000 – 14 cases
Over $50,000 – 4 cases

For ***all*** cases which proceeded to a hearing with an Arbitration Determination issued by the hearing panel, the average amount billed was $20,259. The median amount billed was $10,000. The average amount of the reductions in all cases which proceeded to an Arbitration Determination was $6,084, with a median reduction amount of $2,500.

It should be noted that the parties reached settlement without a hearing in an additional 256 cases, including 7 in which the amount of the attorney fees in dispute exceeded $50,000. The total fees at issue in the cases settled by the parties involved more than $1,429,000 in attorney fees. The attorneys agreed to a reduction in fees without going to a hearing in 156 of those cases (60.9% of the total cases settled by stipulation).

2. Age of Caseload

The length of time that it may take for a fee arbitration case to proceed to disposition may depend on many factors, including the availability of the parties, the panelists, the witnesses, and any interpreter (if needed) for the hearing, as well as whether the hearing may be completed on a single hearing date. The parties may seek to submit additional documentation following the hearing, which would then be available to both sides for review and additional argument, if needed and allowed by the hearing panel. Changes in leadership of the district committees may affect the pace of dispositions, particularly when new attorneys have been appointed to the position of district secretary in some of the districts with the largest caseloads in the State. Fluctuations in the number of cases filed also affect disposition rates, because of the limits on the number of cases that may be expected within reason to proceed to a hearing before the panels of volunteers in any given month.

Of the 1,126 cases that proceeded from file-opening to case-closing in calendar year 2015, almost 67% reached disposition in fewer than 180 days (754 out of 1,126 total cases). The Fee Committees resolved 80 fewer cases in that interval than during the preceding calendar year, when 834 cases out of a total caseload of 1,160 were resolved in under 180 days. The data for 2015 shows that the Fee Committees handled almost 3% fewer cases overall than during the preceding calendar year. Three-hundred and twenty-five (325) of the total cases resolved during 2015 were resolved within 60 days of filing. For 2014, 354 cases were resolved that quickly.

E. NATURE OF CASES

The categories of legal services for which clients seek fee arbitration highlight the importance of the fee arbitration system in particular practice areas. The system has proven to be a very effective and efficient method resolving attorney fee disputes while avoiding litigation between the parties as to the fee dispute.

Over the past five years, family actions (including matrimonial, support and custody cases) have consistently generated the most fee disputes (36%) on average. Criminal matters (including indictable, quasi-criminal and municipal court cases) ranked second in frequency (14.2%). Third place was filled by General Litigation at 11.1%. Real Estate, at roughly 5%, came in fourth place and Contract Matters came in fifth place at almost 4.2%. The overall filings fit into an additional 20 legal practice areas.

F. ENFORCEMENT

The Fee Arbitration Unit follows up when a client reports that he or she has not been paid by the attorney the full amount of the refund owed, as set forth by the Arbitration Determination or a stipulation of settlement. This follow-up has been required in 20 to 30 cases per year, over the past 5 years. The attorney receives from the OAE a warning letter, if the attorney does not pay the full amount of the fee award within the 30-day payment period. If the attorney thereafter does not send payment in full to the client within the 10-day period specified in the warning letter, the OAE may file a motion for the temporary suspension of the attorney. The motion would be heard by the Disciplinary Review Board, which would then send the recommendation of suspension to the Supreme Court. The Supreme Court has ordered roughly five attorneys to be suspended each year over the past five years as a result of such motions, with the attorneys' terms of suspension continued until they submitted proof of payment in full to the clients, along with the payment of any additional monetary sanction relating to the costs of the enforcement proceedings.

VIII. RANDOM AUDIT PROGRAM

A. PURPOSE

1. Safeguarding Public Confidence

The Supreme Court of New Jersey has been a national leader in protecting the public by actively auditing attorney trust accounts for compliance with mandatory fiduciary rules. New Jersey's Random Audit Compliance Program (RAP) has been conducting financial audits of law firms since July 1981. New Jersey is the state with the largest lawyer population in the country to conduct a random auditing program. Only eight (8) other states have operational random programs. In order of implementation, they are: Iowa (1973), Delaware (1974), Washington (1977), New Hampshire, (1980), North Carolina (1984), Vermont (1990), Kansas (2000) and Connecticut (2007).

Pursuant to *R.1:21-6*, all private law firms are required to maintain trust and business accounts and are subject to random audit reviews. On average, at any given time, clients allow New Jersey lawyers to hold almost $3 billion dollars in primary attorney trust accounts ("IOLTA" trust accounts) alone. Even more money is controlled by Garden State law firms in separate attorney trust and other fiduciary accounts in connection with estates, guardianships, receiverships, trusteeships and other fiduciary capacities. Both public protection and the public's trust in lawyers require a high degree of accountability.

Over thirty-four years after RAP first began, the conclusion is that the overwhelming majority of private New Jersey law firms (98.6%) account for clients' funds honestly and without incident. While technical accounting deficiencies are found and corrected, the fact is that only 1.4% of the audits conducted over that period have found serious ethical violations, such as misappropriation of clients' trust funds. Since law firms are selected randomly for audit on a statewide basis, the selections and, therefore, the results are representative of the handling of trust monies by private practice firms. These results should give the public and the Bar great trust and confidence in the honesty of lawyers and their ability to handle monies entrusted to their care faithfully.

2. Auditing Objectives

The central objectives of the Random Audit Program are to insure compliance with the Supreme Court's stringent financial recordkeeping rules and to educate law firms on the proper method of fulfilling their fiduciary obligations to clients under *R.1:21-6*. Another reason underlying the program is a by-product of the first — deterrence. Just knowing there is an active audit program is an incentive not only to keep accurate records but, also to avoid temptations to misuse trust funds. While not quantifiable, the deterrent effect on those few lawyers who might be tempted otherwise to abuse their clients' trust is undeniably present. Random audits serve to detect misappropriation in those relatively small number of law firms where it occurs.

B. ADMINISTRATION

The OAE administers RAP. The staff is managed by Chief Auditor Robert J. Prihoda, Esq., C.P.A., who joined the OAE in 1981. Other staff include Assistant Chief Auditor Mary E. Waldman, who is a Certified Fraud Examiner; two Senior Random Auditors: Mimi Lakind, Esq. and Karen J. Hagerman, a Certified Fraud Examiner; and three Random Auditors: Tiffany Keefer, Liliana Kaminski and William Colangelo.

C. RANDOMNESS AND SELECTION

A primary key to the integrity of RAP lies in the assurance that no law firm is chosen for audit except by random selection using a computer program based on a Microsoft Corporation algorithm for randomness. The identifier used for the law firm in the selection process is the main law office telephone number. The Supreme Court approved this methodology in 1991 as the fairest and most unbiased selection process possible, because it insures that each law firm, regardless of size, has an equal chance of being selected.

D. STANDARDS FOR ACCOUNTING

New Jersey Recordkeeping Rule *1:21-6* has provided attorneys with detailed guidance on handling trust and business accounts for more than 47 years. It is the uniform accounting standard for all audits. This Rule, which incorporates generally accepted accounting principles, also specifies in detail the types of accounting records that must be maintained and their location. It also requires monthly reconciliations, prohibits overdraft protection and the use of ATM's for trust accounts, and requires a seven-year records retention schedule.

All private law firms are required to maintain a trust account for all clients' funds entrusted to their care and a separate business account into which all funds received for professional services must be deposited. Trust accounts must be located in New Jersey. These accounts must be uniformly designated "Attorney Trust Account." Business accounts are required to be designated as either an "Attorney Business Account," "Attorney Professional Account" or "Attorney Office Account." All required books and records must be made available for inspection by random audit personnel. The confidentiality of all audited records is maintained at all times.

E. AUDITING PROCEDURES

1. Scheduling

Random audits are always scheduled in writing ten days to two weeks in advance. While the audit scheduled date is firm, requests for adjournments are given close attention.

2. Record Examination

The auditor conducts an initial interview with the managing attorney followed by the examination and testing of the law firm's financial recordkeeping system. At the conclusion of the audit, which averages one full day, the auditor offers to confer with the managing attorney in an exit conference to review and explain the findings. At that time, the attorney is given a deficiency checklist, which highlights corrective action that must be taken. Even in the case where no corrections are necessary to bring the firm into compliance with the rule, the auditor may suggest improvements that will make the firm's job of monitoring client funds easier.

3. Notice of Deficiency

The deficiency checklist is followed by a letter confirming the exit conference and describing any shortcomings for which corrective action is necessary. A certification of corrections must be filed with RAP within 45 days of the date of the letter, specifying how each deficiency has, in fact, been rectified. If the confirming letter is received from the attorney, the case is closed administratively. If the letter is not received, a final ten-day letter advises that, if no confirming letter is received within ten days, a disciplinary complaint will be issued. When a complaint is filed, discipline is the uniform result. *In re Schlem*, 165 *N.J.* 536 (2000).

F. COMPLIANCE THROUGH EDUCATION

All lawyers receive an annual attorney registration statement requiring private practitioners to list their primary trust and business accounts and to certify compliance with the recordkeeping requirements of *R.1:21-6,* a reproduction of which is included with the mailing. The Random Audit Program also publishes a brochure entitled *New Jersey Attorney's Guide to the Random Audit Program.* Since 1996, that brochure is sent to all law firms with the initial random scheduling letter. Detailed information on the program is also available on the OAE's website.

G. DISCIPLINARY ACTIONS

Each year RAP's staff of experienced auditors uncovers a small, but significant, number of cases of lawyer theft and other serious financial violations. This past year, the following four (4) attorneys detected solely by RAP were finally disciplined by the Supreme Court **(Figure 11)**.

2015 RAP Sanctions				
Attorney	**County**	**Sanction**	**Citation**	**Violation**
Evans C. Agrapidis	Bergen	Reprimand	Unreported	Money-Other
George Campen	Hudson	Disbarment by Consent	223 N.J. 360	Knowing Misappropriation
Adam R. Glinn	Middlesex	Disbarment by Consent	223 N.J. 344	Knowing Misappropriation
Robert S. Seguin	Middlesex	Disbarment by Consent	220 N.J. 187	Knowing Misappropriation

Figure 11

During the thirty-four years of RAP's operation, serious financial misconduct by 181 attorneys was detected solely as a result of being randomly selected for audit. These attorneys received the following discipline: 88 attorneys were disbarred; 16 were suspended for periods of three months to two years; 9 were censured; 47 were reprimanded; and 21 received admonitions. The vast majority of the matters detected were very serious disciplinary cases that resulted in disbarment or suspension. Disbarred (88) and suspended (16) attorneys account for almost six in ten of all attorneys disciplined attorneys as a result of RAP's efforts (57%). However, discipline alone does not adequately emphasize the full importance of RAP's role over the past 34 years and the monies potentially saved as a result by the Lawyers' Fund for Client Protection (Fund).

One need only contemplate how many more millions of dollars might have continued to be misappropriated during this period if RAP had not detected and disciplined these attorneys when it did. Moreover, deterrence is acknowledged to be a factor in all true random programs (*e.g.,* bank examiner's audits, DWI checkpoints, etc.). While it is not easy to quantify either the number of attorneys who were deterred or the tens of millions of dollars in thefts that may have been prevented due to a credible and effective random program, the positive effect is, nevertheless, an important and undeniable component of this effort.

IX. ATTORNEY REGISTRATION

A. ATTORNEY POPULATION

As of the end of December 2015, there were a total of 97,187 attorneys admitted to practice in the Garden State according to figures from the Lawyers' Fund for Client Protection **(Figure 12)**. Historically, New Jersey has been among the faster growing lawyer populations in the country. This may be attributable to its location in the populous northeast business triangle between New York, Philadelphia and Washington, D.C. The total number of lawyers added to the bar population increased by 1.44% in 2015. With a general population of 8,958,013, there is now one lawyer for every 92 Garden State citizens.

According to a July 1, 2015 survey compiled by the OAE for the National Organization of Bar Counsel, Inc., a total of 2,010,489 lawyers were admitted to practice in the United States. New Jersey ranked 7th out of 51 jurisdictions in the total number of lawyers admitted, or 4.77% of the July national total.

Attorneys Admitted

Year	Number
1948	8,000
1960	9,000
1970	11,000
1980	21,748
1990	43,775
2000	72,738
2010	87,639
2015	97,187

Figure 12

B. ADMISSIONS

As of December 31, 2015, the attorney registration database counted a total of 97,727[1] New Jersey-admitted attorneys. Forty-two percent (42%) were admitted since 2001 and 25% were admitted between 1991-2000. The other thirty-three percent (33%) were admitted in 1990 or earlier.

Breakdowns by periods are: 1950 and earlier - 170 (.17%); 1951-1960 - 796 (.81%); 1961-1970 – 2,843 (2.9%); 1971-1980 - 8,994 (9.2%); 1981-1990 - 19,178 (19.6%); 1991-2000 – 24,430 (25%); 2001-2010 – 25,859 (26.5%); and 2011-2015 – 15,457 (15.8%).

[1] This figure does not equal the total attorney population as calculated by the Lawyers' Fund for Client Protection because the Lawyers' Fund total does not include those attorneys who were suspended, deceased, disbarred, resigned, revoked or placed on disability-inactive status after the attorney registration statements were received and tabulated.

YEAR ADMITTED		
Year	**Number**	**Percent**
<1950	170	0.17%
1951-1955	281	0.29%
1956-1960	515	0.52%
1961-1965	915	0.93%
1966-1970	1,928	1.97%
1971-1975	4,052	4.14%
1976-1980	4,942	5.06%
1981-1985	7,784	7.97%
1986-1990	11,394	11.66%
1991-1995	12,779	13.08%
1996-2000	11,651	11.92%
2001-2005	11,576	11.85%
2006-2010	14,283	14.62%
2011-2015	15,457	15.82%
Totals	**97,727**	**100.00%**

Figure 13

C. ATTORNEY AGE

Of the 97,727 attorneys for whom some registration information was available, 97,417 (99.7%) provided their date of birth. A total of 310 attorneys (.3%) did not respond to this question.

Attorneys in the 30-39 age range comprised the largest group of attorneys admitted to practice in New Jersey at close to twenty-five percent (24.8% or 24,179). The 40-49 year category comprised 23.4% or 22,789 lawyers. Almost twenty-two percent (21.6% or 21,065) were between the ages of 50-59. The fewest numbers of attorneys were in the following age groupings: 29 and under (8% or 7,800), 60-69 (14.7% or 14,320) and 70 and older (7.5% or 7,264). (**Figure 14)**

AGE GROUPS		
Age	Number	Percent
< 25	98	0.10%
25-29	7,702	7.90%
30-34	12,653	12.99%
35-39	11,526	11.83%
40-44	10,323	10.60%
45-49	12,466	12.80%
50-54	11,157	11.45%
55-59	9,908	10.17%
60-64	8,010	8.22%
65-69	6,310	6.48%
70-74	3,681	3.78%
75-80	1,714	1.76%
> 80	1,869	1.92%
Totals	**97,417**	**100.00%**

Figure 14

D. OTHER ADMISSIONS

Close to seventy-nine percent (78.9%) of the 97,727 attorneys for whom some registration information was available were admitted to other jurisdictions. Twenty-one percent (21.06%) of all attorneys were admitted only in New Jersey.

OTHER ADMISSIONS		
Admissions	Attorneys	Percent
Only In New Jersey	20,581	21.06%
Additional Jurisdictions	77,146	78.94%
Totals	**97,727**	**100.00%**

Figure 15

ADMISSIONS IN OTHER JURISDICTIONS

Jurisdiction	Admissions	Percent	Jurisdiction	Admissions	Percent
New York	42,855	42.89%	Nevada	109	0.11%
Pennsylvania	25,658	25.68%	West Virginia	103	0.10%
District of Col.	6,687	6.69%	South Carolina	86	0.09%
Florida	3,313	3.32%	Vermont	85	0.09%
California	1,873	1.87%	Kentucky	82	0.08%
Connecticut	1,588	1.59%	Rhode Island	81	0.08%
Massachusetts	1,420	1.42%	New Mexico	73	0.07%
Maryland	1,188	1.19%	Hawaii	72	0.07%
Delaware	787	0.79%	Oregon	72	0.07%
Virginia	722	0.73%	Alabama	60	0.06%
Illinois	702	0.70%	Virgin Islands	52	0.05%
Texas	581	0.58%	Kansas	49	0.05%
Georgia	520	0.52%	Iowa	44	0.04%
Colorado	449	0.45%	Oklahoma	34	0.03%
Ohio	425	0.43%	Arkansas	33	0.03%
North Carolina	323	0.32%	Utah	31	0.03%
Michigan	278	0.28%	Puerto Rico	30	0.03%
Arizona	277	0.28%	Montana	27	0.03%
Minnesota	183	0.18%	Alaska	26	0.03%
Missouri	171	0.17%	Mississippi	26	0.03%
Washington	160	0.16%	Idaho	16	0.02%
Wisconsin	137	0.14%	North Dakota	15	0.02%
Tennessee	134	0.13%	South Dakota	7	0.01%
Louisiana	129	0.13%	Guam	4	0.00%
Maine	123	0.12%	Nebraska	0	0.00%
New Hampshire	113	0.11%	Wyoming	0	0.00%
Indiana	110	0.11%	Invalid Responses	7,796	7.81%
			Total Admissions	**99,919**	**100.00%**

Figure 16

E. PRIVATE PRACTICE

Of the 97,727 attorneys on whom registration information was tabulated, 37,440 stated that they engaged in the private practice of New Jersey law, either from offices within New Jersey or at locations elsewhere. For a detailed breakdown of the locations of offices (primarily New Jersey, Pennsylvania, New York and Delaware), see **Figure 17**. Thirty-eight percent (38.3%) of the attorneys engaged in the private practice of New Jersey law, while sixty-two percent (61.7%) did not practice in the private sector.

Of those who engaged in the private practice of New Jersey law, almost fifty-nine percent (58.5%) practiced full-time, nineteen percent (19.2%) rendered legal advice part-time and eighteen percent (18.1%) engaged in practice occasionally (defined as less than 5% of their time). Four percent (4.1%) of responses were unspecified.

Private Practice of New Jersey Law

PRIVATE PRACTICE OF NEW JERSEY LAW			
Response		**Number**	**Percent**
NO		60,287	61.69%
YES		37,440	38.31%
Full-time	21,912		
Part-time	7,193		
Occasionally	6,790		
Unspecified	1,545		
Total		**97,727**	**100%**

Figure 17

1. Private Practice Firm Structure

Of the 37,440 attorneys who indicated they were engaged in the private practice of New Jersey law, 95.5% (35,738) provided information on the structure of their practice. More than thirty-two percent (32.3%) of the responding attorneys practiced in sole proprietorships (sole practitioners (10,427) plus sole stockholders (1,127)). The next largest group were partners at 29% (10,357), associates at 28.5% (10,200), followed by attorneys who were of counsel with 6.7% (2,389) and other than sole stockholders with 3.5% (1,238).

Private Firm Structure

PRIVATE PRACTICE STRUCTURE		
Structure	**Number**	**Percent**
Sole Practitioner	10,427	29.18%
Sole Stockholder	1,127	3.15%
Other Stockholders	1,238	3.46%
Associate	10,200	28.54%
Partner	10,357	28.98%
Of Counsel	2,389	6.69%
Total	**35,738**	**100.00%**

Figure 18

2. Private Practice Firm Size

Ninety-five percent (35,551) of those attorneys who identified themselves as being engaged in the private practice of law indicated the size of the law firm of which they were a part. More than thirty-one percent (11,093) said they practiced alone; 9.4% (3,344) worked in two-person law firms; 13.9% (4,930) belonged to law firms of 3-5 attorneys;

27.1% (9,630) were members of law firms with 6-49 attorneys and 18.4% (6,554) worked in firms with 50 or more attorneys.

PRIVATE FIRM SIZE

Firm Size	Number	Percent
One	11,093	31.20%
Two	3,344	9.41%
3 to 5	4,930	13.87%
6 to 10	3,473	9.77%
11 to 19	2,660	7.48%
20 to 49	3,497	9.84%
50 >	6,554	18.43%
Total	**35,551**	**100.00%**

Figure 19

3. Private Practice Law Firm Number

No exact figures exist on the number of law firms that engage in the private practice of New Jersey law. Nevertheless, a reasonably accurate estimate can be made based on the 37,440 attorneys who indicated they engaged in the private practice of New Jersey law. A total of 35,551 (95%) indicated the size of their law firm. In each firm size category that was non-exclusive (i.e., other than 1 or 2), the total number of attorneys responding was divided by the mid-point in that category. For firms in excess of 50 attorneys, the total number of attorneys responding was divided by 50. Three-quarters of all law firms (74.8%) were solo practice firms, while just 5.7% had 6 or more attorneys.

NUMBER OF LAW FIRMS

Size Of Law Firm	Number Of Attorneys	Firm Size Midpoint	Number Of Firms	Individual Category %
One	11,093	1	11,093	74.75%
Two	3,344	2	1,672	11.27%
3 to 5	4,930	4	1,233	8.31%
6 to 10	3,473	8	434	2.93%
11 to 19	2,660	15	177	1.19%
20 to 49	3,497	35	100	0.67%
50 >	6,554	50	131	0.88%
Total	**35,551**		**14,840**	**100.00%**

Figure 20

4. Bona Fide New Jersey Offices

New Jersey attorneys are no longer required to maintain a bona fide office in New Jersey. Nevertheless, more than seventy-six percent (76.4%) of New Jersey attorneys (28,169) have a bona fide office in the state. Almost twenty-four percent (23.6%) of New Jersey attorneys (8,634) had offices located in other jurisdictions: New York 11.7% (4,300), Pennsylvania 10.2% (3,770), Delaware less than 1% (115), and various other United States jurisdictions represent 1.2% (449), while less than one percent (.20) failed to indicate their state.

BONA FIDE PRIVATE OFFICE LOCATIONS		
State	**Number**	**Percent**
New Jersey	28,169	76.39%
Pennsylvania	3,770	10.22%
New York	4,300	11.66%
Delaware	115	0.31%
Other	449	1.22%
No State Listed	73	0.20%
Total	**36,876**	**100%**

Figure 21

5. Bona Fide Private Office Locations

Of the 28,168 attorneys engaged in private practice of New Jersey law from offices located within this state, 99.9% (28,166) indicated the New Jersey County in which their primary bona fide office was located, while 2 attorneys did not. Essex County housed the largest number of private practitioners with 15.8% (4,444), followed by Bergen County with 12.7% (3,581). Morris County was third at 11.7% (3,287) and Camden County was fourth with 9.2% (2,588).

ATTORNEYS WITH BONA FIDE OFFICES					
County	**Number**	**Percent**	**County**	**Number**	**Percent**
Atlantic	644	2.29%	Middlesex	1,807	6.42%
Bergen	3,581	12.71%	Monmouth	2,064	7.33%
Burlington	1,391	4.94%	Morris	3,287	11.66%
Camden	2,588	9.18%	Ocean	755	2.68%
Cape May	166	0.59%	Passaic	856	3.04%
Cumberland	166	0.59%	Salem	54	0.19%
Essex	4,444	15.77%	Somerset	1,008	3.58%
Gloucester	386	1.37%	Sussex	227	0.81%
Hudson	1,050	3.73%	Union	1,471	5.22%
Hunterdon	320	1.14%	Warren	137	0.49%
Mercer	1,764	6.26%	No County Listed	2	0.01%
			Total	**28,168**	**100.00%**

Figure 22